

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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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 \_\_\_\_\_

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

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

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

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

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

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**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 Does this proposed, amended, or repealed rule have a financial impact?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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 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, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

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

**Next Fiscal Year**

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

6. What is the total estimated cost by fiscal year to a state, county, or 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**  
**Transitional Employment Assistance and Work Pays Updates**  
**pursuant to Acts 266 and 832 of 2023**

**Statement of Necessity:**

Act 832 of 2023 transferred full authority over Transitional Employment Assistance (TEA) from the Department of Commerce, as administered by the Department of Workforce Services (DWS) to the Department of Human Services (DHS). Act 266 of 2023 amends the duration of cash assistance for the Transitional Employment Assistance (TEA) program from twenty-four (24) months to twelve (12) months.

This rule amends the DHS *TEA Manual* and the former DWS *TEA and Work Pays Policy Manual* to replace references to DWS with DHS in accordance with Act 832. And this rule revises both aforementioned manuals throughout to match the time limit required by Act 266.

**Summary:**

Accordingly, the Division of County Operations (DCO) revises the *Transitional Employment Assistance Manual* and the *TEA and Work Pays Policy Manual*. The manuals were updated as stated below, and grammatical and formatting corrections and current terminology usage updates were made in all sections as appropriate.

Transitional Employment Assistance (TEA) Manual

**Section 2005** – Changed County Office to state Department of Human Services (DHS);

**Section 2010** – Changed the twenty-four (24) month time limit to a twelve (12) month time limit.

**Section 2011 – 2013** – Deleted sections that were moved to the TEA and Work Pays Policy.

**Section 2130** – Changed the date from July 1, 1998, to January 1, 2024. Changed twenty-four (24) to twelve (12) months. Removed reference to Department of Workforce Services (DWS). Removed DWS and left TEA Case Management Manual. . Updated how the DCO-0118 should be sent to the TEA Policy Unit. Changed TEA Payment Count (TEPC) to TEA Time Clock to reflect current terminology.

**Section 4140** – Updated rule effective date and changed twenty-four (24) to twelve (12) months. Changed DWS worker to TEA Case Manager. Removed references to DWS.

**Section 4148** - Changed twenty-four (24) to twelve (12) months.

**Section 5000** – Changed County Office to DHS.

**Section 5001** - Changed twenty-four (24) to twelve (12) months. Removed references to DWS. Changed TEPC to TEA Time Clock. Removed time limit language no longer applicable. Corrected the month of staffing. Added TEA in front of Case Manager.

**Section 10000 – 10900** - Deleted sections. The following sections are located in the TEA and Work Pays policy manual.

**Glossary** – updates to definitions as appropriate based on the above changes.

TEA and Work Pays Policy Manual

**All Sections** - References to DWS, DWS forms, and DWS Workforce Specialists deleted:

- Changed to DHS, TEA, and Program Eligibility Specialists, respectively.
- Policy 3000** - Case Management and Employment Services: Focus-Time Limited Nature of Program:
- New time limit referenced.
- Policy 3000.1** - Time Limit:
- New Time Limit referenced.
- Policy 3200.1** – Period Review of Time Limited Cases:
- Reference to 12, 18, 22 month-reviews changed to 3, 6, and 10-month reviews.
- Policy 3210** – Staffing:
- New time limit referenced.
- Policy 3210.1** – Local Office Review Team Composition:
- Reference to 18 and 22-month reviews changes to 6 and 10-month reviews.
- Policy 3215** – Time Limit Extensions:
- New time limit referenced.
- Policy 3220** – Case Reviews at Three Months:
- Formerly entitled: Case Reviews at Six and Twelve Months.
- Policy 3230** – Six Month Review:
- Formerly entitled: Eighteen-Month Review
- Policy 3240** – Ten-Month Review:
- Formerly entitled: Twenty-Two Month Review
  - New time limit referenced.
  - References to 18 and 22-month reviews changed to 6 and 10-month reviews.
- Policy 3260** – General Staffing Information:
- New time limit referenced.
- Policy 3260.1** – Case Staggering at 42, 48, and 54 Months:
- References to 6, 12, and 18-month reviews changed to 3, 6, and 10-month reviews.
  - New time limit referenced.
- Policy 3405** – Work Participation Exemptions/Deferrals:
- New time limit referenced.
- Policy 3405.2** – Work Participation Deferrals:
- New time limit referenced.
- Policy 3420** - Subsidized Employment (Private and Public):
- New time limit referenced.
- Policy 3425** - On-the-Job Training (OJT):
- New time limit referenced.
- Policy 3670** - Employment Bonus:
- New time limit reference
- Policy 3675.1** - Extended Support Services Employment Bonus and Transportation (Example 4):
- New time limit referenced.
  - Reference to 22-month staffing changed to 10-month.
- Policy 3680** - Extended Support Services Job Retention:
- New time limit referenced.
- Policy 3800.3** - Determining Good Cause:
- New time limit referenced.

**Policy 4148 - Appeal Rights:**

- New time limit referenced.

**Policy 10000 - Arkansas Work Pays:**

- New time limit referenced.

**Policy 10100 - Work Pays Eligibility Requirements:**

- New time limit referenced.

**Policy 10101 - Work Pays Application Process:**

- Changed reference from DWS to DHS

**Policy 10102.1 - Employed 30 Days Prior to Application Date:**

- Removed “DWS-ARK” from the name of the TEA-1 form.

**Policy 10102.2 - Automated System Review:**

- New time limit referenced.

**Policy 10600.3 - Bonus 3: (Twelve) 12 Months Job Retention Target:**

- Formerly entitled Bonus 3: 21 Out of 24 Months Job Retention Target
- New time limit referenced.

**Policy 10600.4 - Earnings’ Bonus: Case Closure Due to Earnings:**

- New time limit referenced.
- Removed “DWS-ARK” from the name of the TEA-1 form.

**Policy 10730 - Determining Good Cause for Work Non-Compliance:**

- New time limit referenced.
- Removed “DWS-ARK” from the name of the TEA-1 form.

**Policy 10740 - Non-compliance Sanction:**

- Removed “DWS-ARK” from the name of the TEA-1 form.

## NOTICE OF RULE MAKING

The Department of Human Services (DHS) 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, 20-77-107, and 25-10-129. The proposed effective date is April 1, 2024.

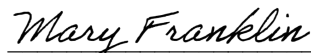
The Director of the Division of County Operations (DCO) amends the Transitional Employment Assistance (TEA) Policy Manual and the TEA and Work Pays Policy Manual to comply with Acts 266 and 832 of 2023. Act 832 of 2023 transferred full authority over Transitional Employment Assistance (TEA) from the Department of Commerce, as administered by the Department of Workforce Services (DWS) to the Department of Human Services (DHS). Act 266 of 2023 amends the duration of cash assistance for the Transitional Employment Assistance (TEA) program from twenty-four (24) months to twelve (12) months.

This rule amends the DHS *TEA Manual* and the former DWS *TEA and Work Pays Policy Manual* to replace references to DWS with DHS in accordance with Act 832 and revises both aforementioned manuals throughout to match the time limit required by Act 266. DCO also updated terminology, references, grammar, and formatting as appropriate. The proposed rule estimates a financial impact of \$104,882.000 for state fiscal year (SFY) 2024 and savings of (\$135,354.00) for SFY 2025.

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 at [ar.gov/dhs-proposed-rules](https://ar.gov/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 February 12, 2024. 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 501-320-6428.

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. **4502113609**



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Mary Franklin, Director  
Division of County Operations



### 2000 TEA Application

## 2005 Obtaining Information to Determine Eligibility

01/01/22-04/1/2024

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 eligibility worker will assist in obtaining required information.

The applicant is expected to provide information as requested. Although ~~the County Office~~ the Department of Human Services (DHS) may assist the applicant, when necessary, the applicant should be encouraged to obtain as much information as they can, on their own, before requesting assistance. Such assistance may range from simply advising the applicant about how or where to get the information, to actually obtaining the necessary documents (~~e.g. for example e.g.~~ accessing the Department of Health birth records through ARIES).

## 2010 Diversion Assistance

01/01/22-04/01/2024

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 requiring regular ongoing cash assistance. Diversion Assistance is a replacement for, not a supplement to, regular assistance.

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 or obtain employment. Diversion Assistance is only available to an adult once during 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.

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 2000 TEA Application

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-for example-e-g, they need~~s car repairs or, uniforms, ~~etc.~~).
5. The adult agrees to forego regular Transitional Employment Assistance (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 Diversion Assistance payment will be the actual amount needed in order to ~~resolve~~ the crisis for up to a maximum of three (3) months of maximum grant payments for the household (~~for example-e.g., a household/h of three (3) = two hundred four dollars (\$204) x three (3) months = six hundred twelve dollars (\$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 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 or months(~~s~~) for purposes of the ~~twenty-four (24) month~~twelve (12)-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](#).)

2000 TEA Application

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

**2011 Authorizing the Diversion Assistance Payment**

01/01/22

~~The section has been deleted; saved for future use.~~

**2012 Deleting a Diversion Payment**

01/01/22

~~The section has been deleted; saved for future use.~~

**2013 Cancelling a Diversion Payment**

01/01/22

~~This section has been deleted; saved for future use.~~

## 2005 Obtaining Information to Determine Eligibility

04/1/2024

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 eligibility worker will assist in obtaining required information.

The applicant is expected to provide information as requested. Although the Department of Human Services (DHS) may assist the applicant, when necessary, the applicant should be encouraged to obtain as much information as they can, on their own, before requesting assistance. Such assistance may range from simply advising the applicant about how or where to get the information, to actually obtaining the necessary documents (for example, accessing the Department of Health birth records through ARIES).

## 2010 Diversion Assistance

04/01/2024

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 requiring regular ongoing cash assistance. Diversion Assistance is a replacement for, not a supplement to, regular assistance.

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 or obtain employment. Diversion Assistance is only available to an adult once during 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.

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 2000 TEA Application

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 (for example, they need car repairs or uniforms).
5. The adult agrees to forego regular Transitional Employment Assistance (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 Diversion Assistance payment will be the actual amount needed in order to resolve the crisis for up to a maximum of three (3) months of maximum grant payments for the household (for example, a household 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 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 or months for purposes of the twelve-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](#).)

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 2000 TEA Application

2012 Guidelines, Division Document

**Note:** If the client requests to apply for Diversion Assistance, the client will be referred to the TEA Case Management unit.

Proposed

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 2100 TEA Application Process

#### 2130 Time Limit

### 2130 Time Limit

04/01/24

Beginning ~~July 1, 1998~~ March 1, 2024, a family who meets all the eligibility requirements may receive Transitional Employment Assistance (TEA) cash assistance benefits for a period of up to ~~24~~ twelve (12) total months. The months counted are based on receipt by the adult recipient or head--of--household minor parent. (Refer to Section 4141 of the ~~DWS TEA Case Management Manual~~ TEA Case Management Manual for circumstances under which the time limit may be extended.)

The time limit does not apply in the following situations:

- In cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case.
- In months in which the individual is deferred or exempt from work activity participation requirements. (See EXAMPLE #2 below.)
- In the months in which an ~~under age~~ under the age of eighteen (18) non-head of household minor (under eighteen years of age) parent receives cash assistance. The count will begin when the minor reaches ~~age eighteen (18)~~ years of age.

The time limit applies:

- In cases in which the non-parent caretaker's relatives ~~chooses~~ choose to be included in the TEA payment with the child. ~~If~~ If a non-parent relative is a payee only, then the time limit does not apply to the case. This will be explained to the non-parent adult relative during the application interview. (See EXAMPLE #1 below.)


The time a child receives assistance will not count toward ~~their~~ his/her time limit when ~~they~~ he or she becomes an adult.

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 2100 TEA Application Process

#### 2130 Time Limit

Payments made by another state under a Temporary Assistance for Needy Families program count toward the ~~twenty-four month~~ twelve (12) month limit in Arkansas if the adult has received more than ~~thirty-six~~ forty-eight (48) such payments in another state. Only the payments from another state in excess of ~~thirty-six~~ forty-eight (48) total payments will count toward Arkansas' ~~twenty-four~~ twelve (12) month limit.

 **Note**NOTE: The DCO-118, TANF Assistance Received Out of State, will be used to report TEA benefits received from another state. The form should be ~~faxed or~~ emailed to the ~~Systems Unit~~ TEA Policy Unit.

**EXAMPLE #1:** A grandmother is applying (after July 1998) for her grandchild. ~~The g~~Grandmother chooses to be included in the unit. After six (6) months of receiving TEA benefits, the case closes because the child has returned to ~~their~~ his parent. ~~The g~~Grandmother later reapplies for herself and a child of her own. Because she previously received six (6) months of assistance, she has ~~eighteen (6) six~~ months remaining in the ~~twenty-four~~ six (6) twelve (12) months limit. Had she not been included with her grandchild previously, her ~~24 twelve (12)~~ month period would begin at one (1) month.

**EXAMPLE #2:** Ms. Jones was temporarily deferred from work activity requirements due to a domestic violence situation at the time her TEA application was certified in January. The deferral continued for the next five (5) months, ending in June. The deferral months of January ~~through~~ -June will not count toward Ms. Jones ~~24 twelve (12)~~ month limit.

Diversion assistance payments count towards the ~~24 twelve (12)~~ month time limit unless the payment has been repaid. The number of months that a diversion payment counts is based on the diversion amount divided by the maximum grant for which the



family would have been eligible had the diversion not been made. The number of months is rounded up to the next higher number. (See [TEA 2010](#).)

Inquiry to the TEA ~~Payment Count (TEPC) screen on ACES~~Time Clock may be made to determine the number of months an adult has received TEA benefits. Regular TEA payments and diversion payments are listed on this screen as well as payments paid by another state which must be counted toward the time limit.

Mark-UP

## 2130 Time Limit

04/01/24

Beginning March 1, 2024, a family who meets all the eligibility requirements may receive Transitional Employment Assistance (TEA) cash assistance benefits for a period of up to twelve (12) total months. The months counted are based on receipt by the adult recipient or head-of-household minor parent. (Refer to Section 4141 of the [TEA Case Management Manual](#) for circumstances under which the time limit may be extended.)

The time limit does not apply in the following situations:

- In cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case.
- In months in which the individual is deferred or exempt from work activity participation requirements. (See [EXAMPLE #2](#) below.)
- In the months in which a non-head of household minor (under eighteen years of age) parent receives cash assistance. The count will begin when the minor reaches eighteen (18) years of age.

The time limit applies:

- In cases in which the non-parent caretaker's relatives choose to be included in the TEA payment with the child, if a non-parent relative is a payee only, then the time limit does not apply to the case. This will be explained to the non-parent adult relative during the application interview. (See [EXAMPLE #1](#) below.)

The time a child receives assistance will not count toward their time limit when they become an adult.

Payments made by another state under a Temporary Assistance for Needy Families program count toward the twelve (12) month limit in Arkansas if the adult has received more than forty-eight (48) such payments in another state. Only the payments from another state in excess of forty-eight (48) total payments will count toward Arkansas' twelve (12) month limit.

**NOTE:** The DCO-118, TANF Assistance Received Out of State, will be used to report TEA benefits received from another state. The form should be emailed to the TEA Policy Unit.

**EXAMPLE #1:** A grandmother is applying (after July 1998) for her grandchild. The grandmother chooses to be included in the unit. After six (6) months of receiving TEA benefits, the case closes because the child has returned to their parent. The grandmother later reapplies for herself and a child of her own. Because she previously received six (6) months of assistance, she has (6) six months remaining in the twelve-month limit. Had she not been included with her grandchild previously, her twelve-month period would begin at one (1) month.

**EXAMPLE #2:** Ms. Jones was temporarily deferred from work activity requirements due to a domestic violence situation at the time her TEA application was certified in January. The deferral continued for the next five (5) months, ending in June. The deferral months of January through June will not count toward Ms. Jones twelve-month limit.

Diversion assistance payments count towards the twelve-month time limit unless the payment has been repaid. The number of months that a diversion payment counts is based on the diversion amount divided by the maximum grant for which the family would have been eligible had the diversion not been made. The number of months is rounded up to the next higher number. (See [TEA 2010](#).)

Inquiry to the TEA Time Clock may be made to determine the number of months an adult has received TEA benefits. Regular TEA payments and diversion payments are listed on this screen as well as payments paid by another state which must be counted toward the time limit.

Proposed

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 4000

### 4100 Non-Work Participation Eligibility Requirements

#### 4140 Time Limit

#### 4140 Time Limit

~~08/01/99-04/01/24~~

Beginning ~~July 1, 1998~~ April 1, 2024, a family who meets all the eligibility requirements may receive Transitional Employment Assistance (TEA) cash assistance benefits for a period of up to ~~24~~ twelve (12) months. The ~~24~~ twelve (12) months do not have to be consecutive months. The months counted are based on receipt by the adult recipient or "head of household" minor parent.

The time limit does not apply:

- to cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case; ~~or~~
- in the months in which an individual is deferred ~~or~~ /exempt from work activity participation; ~~or~~
- in the months in which an ~~under age~~ under the age of eighteen (18) non-head of household minor parent receives cash assistance. The count will begin when the minor reaches ~~the age of eighteen (18) years of age~~.

The time limit applies to non-parent caretaker's relatives only when such relatives chooses to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case.

The time a child receives assistance will not count toward ~~his/her~~ their time limit when ~~they/he or she~~ becomes an adult.

Payments made by another state under a Temporary Assistance for Needy Families (TANF) program count toward the ~~twenty-four~~ twelve (12)-month limit in Arkansas if the adult has received more than ~~thirty-six~~ forty-eight (48) such payments in another state. Only the payments from another state in a quantity that is in excess of ~~thirty-six~~ forty-eight (48) will count toward Arkansas' ~~twenty-four~~ twelve (12)-month limit.

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 4000

### 4100 Non-Work Participation Eligibility Requirements

#### 4141 Time Limit Exemptions, Extensions, Reviews, and Closures

Diversion Assistance payments also count toward the ~~twenty-four~~twelve (12)-month limit if not repaid. See [TEA 2130](#).



— **NOTE:** A client may request case closure at any time during receipt of assistance.

— During periodic contacts, the ~~DWS worker~~Program Eligibility Specialist will inform the client of the number of \_\_\_\_\_ months of TEA eligibility remaining. The ~~worker~~Program Eligibility Specialist should continue to stress to the \_\_\_\_\_ client the importance of employment because of the time limit.

— The ~~worker~~Program Eligibility Specialist will explain to the recipient what action will be taken once the ~~24-twelve (12)~~ \_\_\_\_\_ month time limit has been reached. Refer to [TEA 5001](#) for termination \_\_\_\_\_ procedures. The ~~worker~~Program Eligibility Specialist will advise that the TEA case ~~will~~ be closed unless it ~~is~~ \_\_\_\_\_ is \_\_\_\_\_ determined that an extension, or exemption from the time limit, should be \_\_\_\_\_ granted. See [TEA 4141](#).

#### 4141 Time Limit Exemptions, Extensions, Reviews, and Closures

(Refer to sections 4141 – 4147 of the ~~DWS TEA Case Management Manual~~ TEA Case Management Manual).

#### 4148 Appeal Rights

~~07/01/99-04/01/24~~

If the decision is to close the case at the end of ~~twenty-four~~twelve (12) months and not allow an extension, the client has the right to appeal that decision through the Appeals and Hearings office. However, benefits will not be continued pending the hearing decision after the ~~twenty-fourth~~twelve (12) months. Retroactive payment may be made if the hearing decision overturns the case closure decision.

Mark-Up

## 4140 Time Limit

04/01/24

Beginning April 1, 2024, a family who meets all the eligibility requirements may receive Transitional Employment Assistance (TEA) cash assistance benefits for a period of up to twelve (12) months. The twelve (12) months do not have to be consecutive months. The months counted are based on receipt by the adult recipient or "head of household" minor parent.

The time limit does not apply:

- to cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case;
- in the months in which an individual is deferred or exempt from work activity participation; or
- in the months in which an under the age of eighteen (18) non-head of household minor parent receives cash assistance. The count will begin when the minor reaches eighteen (18) years of age.

The time limit applies to non-parent caretaker's relatives only when such relatives choose to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case.

The time a child receives assistance will not count toward their time limit when they become an adult.

Payments made by another state under a Temporary Assistance for Needy Families (TANF) program count toward the twelve-month limit in Arkansas if the adult has received more than forty-eight (48) such payments in another state. Only the payments from another state in a quantity that is in excess of forty-eight (48) will count toward Arkansas' twelve-month limit.



Diversion Assistance payments also count toward the twelve-month limit if not repaid. See [TEA 2130](#).

**NOTE:** A client may request case closure at any time during receipt of assistance.

During periodic contacts, the Program Eligibility Specialist will inform the client of the number of months of TEA eligibility remaining. The Program Eligibility Specialist should continue to stress to the client the importance of employment because of the time limit.

The Program Eligibility Specialist will explain to the recipient what action will be taken once the twelve- month time limit has been reached. Refer to [TEA 5001](#) for termination procedures. The Program Eligibility Specialist will advise that the TEA case be closed unless it is determined that an extension, or exemption from the time limit, should be granted. See [TEA 4141](#).

#### **4141 Time Limit Exemptions, Extensions, Reviews, and Closures** (Refer to sections 4141 – 4147 of the [TEA Case Management Manual](#)).

#### **4148 Appeal Rights**

04/01/24

If the decision is to close the case at the end of twelve (12) months and not allow an extension, the client has the right to appeal that decision through the Appeals and Hearings office. However, benefits will not be continued pending the hearing decision after the twelve (12) months. Retroactive payment may be made if the hearing decision overturns the case closure decision.

**5000 Termination of Cash Assistance**

**~~5000 Termination of Case Assistance~~**

## 5000 Termination of Cash Assistance

~~03/01/00~~ ??/??/??04/01/2024

A Case will be closed:

1. When the recipient has requested closure. -Advance notice will be given if required (Refer to [TEA 4050](#)).
2. Upon notice of another state agency that the recipient is being certified for assistance in that state.
3. When ~~the County Office~~DHS has factual information that a recipient fails to meet any eligibility requirement.
4. When a recipient has failed to furnish requested information or failed to comply with other Agency procedures necessary to establish their~~his~~ eligibility after specific written notice (DCO-0001 or system generated) that they~~he~~ must do so.

~~4.~~

Cash assistance will be terminated at any point it is determined that a family is no longer eligible to receive assistance.

### 5001 Time Limit

~~03/01/00~~

??/??/??04/01/2024

A family ~~(which includes an adult)~~ is eligible for Transitional Employment Assistance (TEA) cash assistance benefits for a period of not more than ~~24~~twelve (12) months. -The ~~24~~ twelve (12) months need not be consecutive months.

During periodic contacts with the ~~DWS~~TEA Case Manager, TEA recipients will be informed of how many months of eligibility they have~~he or she has~~ remaining due to the time limit. The number of months a TEA family has received benefits can be determined via the ~~TEPC screen~~TEA Time Clock.

~~The County Office will receive a printout identifying cases that have received TEA for 6, 12, 18, or 22 months.~~

Upon completion of the ~~22<sup>nd</sup>~~tenth (10<sup>th</sup>) month staffing, a decision to close the TEA case or grant an extension will be made. -The TEA Case Manager will advise the client of the decision.

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 5000

### 5000 Termination of Case Assistance

If the decision is to not extend the time limit, the case will be closed when the recipient has received TEA for ~~24~~twelve (12) months. -The client may appeal this decision. -If the client appeals the decision within ten (10) days of the date of the closure notice, benefits will continue (pending the hearing). -Upon actual closure of the TEA case, the TEA Case Manager will send a final notice to the client as a reminder that the TEA case has been closed.

 **NOTE:** The time limit for TEA eligibility has no bearing on Medicaid Eligibility.

### **5002 Intentional Program Violation (IPV)**

~~03/01/00~~04/01/2024

The family of any individual who pleads guilty or nolo contendere to, or is found guilty of, an Intentional Program Violation in the ~~Transitional Employment Assistance~~TEA program will be ineligible for further participation in the program for the following minimum time periods:

1. For the first offense:~~;~~ one (1) year.
2. For the second offense:~~;~~ two (2) years.
3. For more than two:~~;~~ permanently.

A ~~ten (10)~~-day notice will be sent to the client stating that the case will be closed due to an Intentional Program Violation. -Also, that the case will remain closed until the resulting overpayment (~~e.g. for example~~e.g. the total amount of assistance received to which the family was entitled) has been repaid to the State with interest. -This requirement may be waived by the Director of the Division or ~~his or her~~their designee.

Refer to TEA 8100 for detailed policy and procedures concerning IPV Disqualifications.

### **5003 Earnings Related**

~~03/01/00~~04/01/2024

At any point it is determined that a family is no longer eligible for TEA benefits due to earnings, the TEA case will be closed. -An advance notice of closure will be required.- In addition, the family's eligibility for extended support services will be determined. -Refer to TEA 5004.

## 5000 Termination of Cash Assistance

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04/01/2024

A Case will be closed:

1. When the recipient has requested closure. Advance notice will be given if required (Refer to [TEA 4050](#)).
2. Upon notice of another state agency that the recipient is being certified for assistance in that state.
3. When DHS has factual information that a recipient fails to meet any eligibility requirement.
4. When a recipient has failed to furnish requested information or failed to comply with other Agency procedures necessary to establish their eligibility after specific written notice (DCO-0001 or system generated) that they must do so.

Cash assistance will be terminated at any point it is determined that a family is no longer eligible to receive assistance.

## 5001 Time Limit

04/01/2024

A family which includes an adult is eligible for Transitional Employment Assistance (TEA) cash assistance benefits for a period of not more than twelve (12) months. The twelve (12) months need not be consecutive months.

During periodic contacts with the TEA Case Manager, TEA recipients will be informed of how many months of eligibility they have remaining due to the time limit. The number of months a TEA family has received benefits can be determined via the TEA Time Clock.

Upon completion of the tenth month staffing, a decision to close the TEA case or grant an extension will be made. The TEA Case Manager will advise the client of the decision.

If the decision is to not extend the time limit, the case will be closed when the recipient has received TEA for twelve (12) months. The client may appeal this decision. If the client appeals the decision within ten (10) days of the date of the closure notice, benefits will continue (pending the hearing). Upon actual closure of the TEA case, the TEA Case Manager will send a final notice to the client as a reminder that the TEA case has been closed.

**NOTE:** The time limit for TEA eligibility has no bearing on Medicaid Eligibility.

### 5002 Intentional Program Violation (IPV)

04/01/2024

The family of any individual who pleads guilty or nolo contendere to, or is found guilty of, an Intentional Program Violation in the TEA program will be ineligible for further participation in the program for the following minimum time periods:

1. For the first offense: one (1) year.
2. For the second offense: two (2) years.
3. For more than two: permanently.

A ten-day notice will be sent to the client stating that the case will be closed due to an Intentional Program Violation. Also, that the case will remain closed until the resulting overpayment (for example, the total amount of assistance received to which the family was entitled) has been repaid to the State with interest. This requirement may be waived by the Director of the Division or their designee.

Refer to [TEA 8100](#) for detailed policy and procedures concerning IPV Disqualifications.

### 5003 Earnings Related

04/01/2024

At any point it is determined that a family is no longer eligible for TEA benefits due to earnings, the TEA case will be closed. An advance notice of closure will be required. In addition, the family's eligibility for extended support services will be determined. Refer to [TEA 5004](#).

## ~~TRANSITIONAL~~ TRANSITIONAL EMPLOYMENT ASSISTANCE – GLOSSARY

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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~A~

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### **Activity-Related Expenses**

Expenses relative to the customer's participation in work activities, which are paid for by the Transitional Employment Assistance (TEA) Program and which are necessary in order for the TEA recipient to participate in the work activity.

### **Adequate Notice**

A written notice that includes a statement of what action the agency intends to take or has taken, the reasons for the intended agency action, the specific policy supporting such action, an explanation of the person's right to request a hearing, and the circumstances under which assistance is continued if a hearing is requested.

### **Administrative Hearing**

A process by which the customer can appeal any adverse decision made on ~~his or~~ her~~their~~ case.

### **Assessment**

An initial appraisal and gathering of information, such as, needed support services, education level, work history, skills, interests, volunteer activities, and hobbies.

### **Assignment (Child Support)**

When an individual accepts TEA cash assistance for or on behalf of a child or children, the individual has assigned all rights to child support from any other person to the Department of Human Services (DHS).

~C~

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### **Caretaker Relative**

A person who exercises primary responsibility for the care and control of the child or ~~children~~~~(ren)~~.

## APPENDIX: FOOD STAMP GLOSSARY-Transitional Employment Assistance - Glossary

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### **Casehead**

The adult caretaker relative, or a minor parent who is the head of household. In a two ~~(2)~~-parent family, the choice of casehead is determined by the parents.

### **Case Management**

The process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency.

~D~

### **Certificate**

A check or other disbursement that is issued by DHS to the parent who may use such certificate to pay child-care services from a variety of providers. Sometimes referred to as a child-care voucher.

~D~

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### **Deferral**

A temporary postponement of program activities.

### **Deobligation**

Discontinuing supportive services that have been authorized.

### **Diversion Assistance**

A one-~~(1)~~ time-~~only~~ payment to, or on behalf of, the family which will resolve a financial problem so the adult can maintain ~~and~~/or obtain employment.

~E~

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### **Earned Income**

Salaries, wages, tips, commissions, and any other payment resulting from labor or personal services.

### **Eligibility Requirement**

## APPENDIX: FOOD STAMP GLOSSARY Transitional Employment Assistance - Glossary

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Conditions that must be met in order for a family or individual to receive assistance.

### **Employment Plan**

A plan developed by the agency and client which will help the client obtain ~~or~~and/or maintain employment.

### **Exemption**

A condition which allows the postponement of program activities.

### **Extended Support Services**

Child-care and Medicaid services that are provided after a cash assistance case closes due to employment.

~G~

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### **Gross Income Trigger**

When the gross income of a family reaches one thousand twenty-six dollars (\$1026) monthly, and the TEA payment is reduced by fifty percent (50%)~~percent~~.

~H~

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### **Head of Household**

The casehead.

### **Head of Household (Minor Parent)**

A minor parent who is legally married regardless of whether ~~he/she is~~they are currently living with the spouse, or a minor parent who is living on ~~his/her~~their own without adult



## APPENDIX: ~~FOOD STAMP GLOSSARY~~ Transitional Employment Assistance - Glossary

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supervision and it has been determined (TEA 2122.1) that this is an appropriate living arrangement for the minor parent and child.

### **Head of Household (Teen Parent)**

A head of household who is under twenty (20) years of age.

### **Household Composition**

All persons living in the home with family members included in the TEA Unit.

~I~

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### **Imposition of Sanction**

The case was closed, or, if a closure exception was allowed, the payment was reduced due to non-compliance in certain program requirements.

### **Income Eligibility Standard**

The dollar amount that a family's net countable income must be equal to or less than in order to meet the income eligibility requirement.

~J~

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### **Job Ready**

A person who has no physical, mental, or job skill barriers that ~~prevent~~ prevent employment.

~K~

~L~

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## APPENDIX: ~~FOOD STAMP GLOSSARY~~ Transitional Employment Assistance - Glossary

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### **Life Condition**

Problems or barriers that would prevent a customer from meeting participation requirements.

### **~M~**

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### **Mentoring**

A nurturing process in which a more skilled or a more experienced person serves as a role model, teaches, sponsors, encourages, and counsels a less skilled or less experienced person.

### **~N~**

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### **Non-Compliance~~;~~ Child Support**

Failure or refusal to cooperate with the Office of Child Support Enforcement in Child Support activities without good cause.

### **Non-Compliance~~;~~ Work Activities**

Failure to participate in work activities, refusal to accept employment, or termination of employment without good cause.

### **~P~**

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### **Personal Responsibility Agreement**

An agreement specifying the responsibilities of the parent(s) or other adult caretaker while receiving Transitional Employment Assistance.

## APPENDIX: FOOD STAMP GLOSSARY-Transitional Employment Assistance - Glossary

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### **Policy Statement**

Policy statement is a written statement that declares an organization's intentions, objectives, or goals. Policy statements are identified by the shadow box border around it. Policy statements must be adhered to by all Division staff.

### **Procedure Statement**

Information outside of the policy statement. A procedure may either be a mandatory or a flexible procedure. Mandatory procedures use verbs such as "must" and "will". A flexible procedure allows the county office staff to use their own judgment or discretion in applying a procedure.

~R~

### **Protective Payee**

A relative, friend, neighbor, or member of a community service group, who is appointed to receive the payment on behalf of a family for whom a determination of mismanagement by the adult has been made.

~R~

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### **Relocation Assistance**

A one-time only cash assistance to help a family move from an area of limited job opportunities to a new locality within Arkansas for full-time employment. The person must have a bona fide offer of full-time employment in the new location.

### **Resource**

Any real or personal property available to an individual to meet his/her/their needs.

### **Resource Limit**

The dollar amount which a family's total countable resources must be equal to or less than in order for the family to meet the eligibility requirement.

## APPENDIX: FOOD STAMP GLOSSARY Transitional Employment Assistance - Glossary

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~S~

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### **Sanction**

A penalty imposed for not cooperating with program requirements.

### **Subsidized Employment**

Full or part-time employment in a private ~~for-profit~~for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds.

### **Subsidized Public Sector Employment**

Full or part-time employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds.

### **Supportive Services Payment**

Transportation and other non-child care expenses paid by the agency to eligible providers and customers in order to engage in a work activity.

~T~

**Supportiv -**

### **Supportive Services Reimbursement**

Payment made to a customer for transportation and other ~~non-child care~~non-childcare expenses that the customer has paid for in order to engage in a work activity.

~T~

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### **TEA Customer**

~~One (1)~~A person who has been approved to receive on-going cash assistance.

## APPENDIX: FOOD STAMP GLOSSARY-Transitional Employment Assistance - Glossary

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### **Time Limit**

The maximum number of months, ~~(24)~~ twelve (12), ~~that~~ a family with an adult recipient can receive Transitional Employment Assistance benefits.

### **Timely Notice**

A written notice which is mailed at least ten (10) days before the effective date of action.

### **Transitional Employment Assistance**

A program to help economically (TEA) needy families with children under ~~the age of~~ eighteen (18) years of age become more responsible for their own support and less dependent on public assistance.

~U~

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### **Unearned Income**

Money that was not earned (~~ex~~ for example, but not limited to: pensions, annuities, insurance benefits, military allotments, teacher's retirement, Workman's Compensation, Miner's pension, and Black Lung Benefits, ~~etc.~~).

### **Unsubsidized Employment**

Full or part-time employment that is not directly supplemented by federal or state funds.

APPENDIX: FOOD STAMP GLOSSARY Transitional Employment Assistance - Glossary

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~W~

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**Warrant**

TEA Check.

**Work Activity**

Allowable activities under TEA.

Mark-Up

## TRANSITIONAL EMPLOYMENT ASSISTANCE – GLOSSARY

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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~A~

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### **Activity-Related Expenses**

Expenses relative to the customer's participation in work activities, which are paid for by the Transitional Employment Assistance (TEA) Program and which are necessary in order for the TEA recipient to participate in the work activity.

### **Adequate Notice**

A written notice that includes a statement of what action the agency intends to take or has taken, the reasons for the intended agency action, the specific policy supporting such action, an explanation of the person's right to request a hearing, and the circumstances under which assistance is continued if a hearing is requested.

### **Administrative Hearing**

A process by which the customer can appeal any adverse decision made on their case.

### **Assessment**

An initial appraisal and gathering of information, such as, needed support services, education level, work history, skills, interests, volunteer activities, and hobbies.

### **Assignment (Child Support)**

When an individual accepts TEA cash assistance for or on behalf of a child or children, the individual has assigned all rights to child support from any other person to the Department of Human Services (DHS).

~C~

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### **Caretaker Relative**

A person who exercises primary responsibility for the care and control of the child or children.

## Transitional Employment Assistance - Glossary

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### **Casehead**

The adult caretaker relative, or a minor parent who is the head of household. In a two-parent family, the choice of casehead is determined by the parents.

### **Case Management**

The process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency.

### **Certificate**

A check or other disbursement that is issued by DHS to the parent who may use such certificate to pay childcare services from a variety of providers. Sometimes referred to as a childcare voucher.

### **~D~**

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### **Deferral**

A temporary postponement of program activities.

### **Deobligation**

Discontinuing supportive services that have been authorized.

### **Diversion Assistance**

A one-time-only payment to, or on behalf of, the family which will resolve a financial problem so the adult can maintain or obtain employment.

### **~E~**

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### **Earned Income**

Salaries, wages, tips, commissions, and any other payment resulting from labor or personal services.

### **Eligibility Requirement**

Conditions that must be met in order for a family or individual to receive assistance.



# Transitional Employment Assistance - Glossary

## Employment Plan

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A plan developed by the agency and client which will help the client obtain or maintain employment.

## Exemption

A condition which allows the postponement of program activities.

## Extended Support Services

Childcare and Medicaid services that are provided after a cash assistance case closes due to employment.

~G~

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## Gross Income Trigger

When the gross income of a family reaches one thousand twenty-six dollars (\$1026) monthly, and the TEA payment is reduced by fifty percent (50%).

~H~

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## Head of Household

The casehead.

## Head of Household (Minor Parent)

A minor parent who is legally married regardless of whether they are currently living with the spouse, or a minor parent who is living on their own without adult supervision and it has been determined (TEA 2122.1) that this is an appropriate living arrangement for the minor parent and child.

## Head of Household (Teen Parent)

A head of household who is under twenty (20) years of age.

## Household Composition

All persons living in the home with family members included in the TEA Unit.

## Transitional Employment Assistance - Glossary

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~I~

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### **Imposition of Sanction**

The case was closed, or, if a closure exception was allowed, the payment was reduced due to non-compliance in certain program requirements.

### **Income Eligibility Standard**

The dollar amount that a family's net countable income must be equal to or less than in order to meet the income eligibility requirement.

~J~

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### **Job Ready**

A person who has no physical, mental, or job skill barriers that prevent employment.

~L~

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### **Life Condition**

Problems or barriers that would prevent a customer from meeting participation requirements.

~M~

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### **Mentoring**

A nurturing process in which a more skilled or a more experienced person serves as a role model, teaches, sponsors, encourages, and counsels a less skilled or less experienced person.

# Transitional Employment Assistance - Glossary

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## **Non-Compliance: Child Support**

Failure or refusal to cooperate with the Office of Child Support Enforcement in Child Support activities without good cause.

## **Non-Compliance: Work Activities**

Failure to participate in work activities, refusal to accept employment, or termination of employment without good cause.

~P~

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## **Personal Responsibility Agreement**

An agreement specifying the responsibilities of the parent(s) or other adult caretaker while receiving Transitional Employment Assistance.

## **Policy Statement**

Policy statement is a written statement that declares an organization's intentions, objectives, or goals. Policy statements are identified by the shadow box border around it. Policy statements must be adhered to by all Division staff.

## **Procedure Statement**

Information outside of the policy statement. A procedure may either be a mandatory or a flexible procedure. Mandatory procedures use verbs such as "must" and "will". A flexible procedure allows the county office staff to use their own judgment or discretion in applying a procedure. Pro

## **Protective Payee**

A relative, friend, neighbor, or member of a community service group, who is appointed to receive the payment on behalf of a family for whom a determination of mismanagement by the adult has been made.

~R~

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## Transitional Employment Assistance - Glossary

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### **Relocation Assistance**

A one-time-only cash assistance to help a family move from an area of limited job opportunities to a new locality within Arkansas for full-time employment. The person must have a bona fide offer of full-time employment in the new location.

### **Resource**

Any real or personal property available to an individual to meet their needs.

### **Resource Limit**

The dollar amount which a family's total countable resources must be equal to or less than in order for the family to meet the eligibility requirement.

~S~

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### **Sanction**

A penalty imposed for not cooperating with program requirements.

### **Subsidized Employment**

Full or part-time employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds.

### **Subsidized Public Sector Employment**

Full or part-time employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds.

### **Supportive Services Payment**

Transportation and other non-child care expenses paid by the agency to eligible providers and customers in order to engage in a work activity.

### **Supportive Services Reimbursement**

Payment made to a customer for transportation and other non-childcare expenses that the customer has paid for in order to engage in a work activity.

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# Transitional Employment Assistance - Glossary

## **TEA Customer**

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A person who has been approved to receive on-going cash assistance.

## **Time Limit**

The maximum number of months, twelve (12), that a family with an adult recipient can receive Transitional Employment Assistance benefits.

## **Timely Notice**

A written notice which is mailed at least ten (10) days before the effective date of action.

## **Transitional Employment Assistance**

A program to help economically (TEA) needy families with children under eighteen (18) years of age become more responsible for their own support and less dependent on public assistance.

## **~U~**

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## **Unearned Income**

Money that was not earned (for example, but not limited to: pensions, annuities, insurance benefits, military allotments, teacher's retirement, Workman's Compensation, Miner's pension, and Black Lung Benefits).

## **Unsubsidized Employment**

Full or part-time employment that is not directly supplemented by federal or state funds.

## **~W~**

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## **Warrant**

TEA Check.

## **Work Activity**

Allowable activities under TEA.

## 3000 –CASE MANAGEMENT and EMPLOYMENT SERVICES

### Case Management Services

Case management is the process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency. ~~DWS Workforce Specialist~~Program Eligibility Specialist serve as a point of contact for participants and a point of accountability for the agency. The ~~DWS Workforce Specialist~~Program Eligibility Specialist has overall responsibility for working with participants from initial assessment until case closure.

The primary case management consists of the following primary activities:

- **Screening & Assessment** includes all the interactions that ~~DWS Workforce Specialist~~Program Eligibility Specialist have with participants, from the initial interview and screening process, through case closure and the provision of extended services. In all of these interactions, the goal is to help the participant identify which services are needed to support family self-sufficiency. Rapport and trust are built by helping participants identify and address their own issues.
- **Brokering for resources**, communication with partners and ~~staffings~~staffing ensure that the most appropriate services are provided to the participant. ~~DWS Workforce Specialist~~Program Eligibility Specialist will work closely with community and other partners; Brokering also involves continual evaluation of each service's usefulness and success. Brokered services include not only case plan activities and local resources, but DHS, Social Security, child support, and other benefits as well.
- **Employment plans** are the road map for the participant in their journey toward enhanced self-sufficiency. They are developed using the participant's best thinking on how they can increase self-sufficiency. The results of initial assessment are used to help the participant choose self-sufficiency-enhancing services, and the ~~DWS Workforce Specialist~~Program Eligibility Specialist acts as a broker to access these services. The plan states when, where, how, and by whom these activities will be provided. Employment plans should be individualized based on participant need and can be added to and adjusted over time.
- **Narration and computer entry** are the means by which our benefits are ~~provided~~provided, and case activities recorded. They also enable us to collect and evaluate data to continually improve program services. Accuracy and timeliness of narration and computer entry are necessary to help us maintain federal and state funding. Case narratives should be clear, comprehensive, and void of personal opinion.

All these activities occur during case management, but the order may vary depending on the participant's situation. In all cases, we use case management skills such as asking open-ended questions, ~~restating~~restating, and summarizing, and helping participants develop their own plan of action and be accountable for their own progress.

Case management services will be provided to those participants who need assistance before and after accepting employment. This service will be provided as long as the

participant is eligible, and up to twelve (12) months after cash assistance has been terminated due to employment (Refer to TEA policy 3680.1).

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## Intent - Individualized Approach

Central to the purpose of the TEA program is an individualized approach to employment services. An individual Employment Plan is developed for each TEA participant based on his or her individual and family circumstances. Therefore, the process of working with the participant in employment related activities should, to the maximum extent possible, be geared to the specific needs and circumstances of that individual and family. It is the intent of the policy and procedures described in the following sections to assist local office staff with making decisions regarding the most appropriate work activities and supportive services which will lead participants to self-sufficiency.

## Focus - Time-Limited Nature of Program

In conjunction with an individualized approach, focus must be placed on the time-limited nature of the program. Most participants will have a maximum of ~~twenty-four~~ twelve (12) months to attain some level of self-sufficiency before cash assistance is terminated. Some participants may have less than twelve (twenty-four)12 months to attain self-sufficiency depending upon past periods of TEA receipt. Therefore, it is critical that the ~~DWS Workforce Specialist~~ Program Eligibility Specialist and participant make decisions that consider where the family is in terms of the time-limit. For example, if a family has only two or three months remaining before the time-limit expires, job search or subsidized employment would probably be a more appropriate activity than career and technical education.

## Documentation

Documentation and complete and accurate case records are vital to the success of good case management. The case record should include a clear chronology of events during a participant's entire experience with the program. The documentation constitutes a major source of ~~the evidence~~ evidence in the supporting of the agency's position in a case. In addition, good documentation enables other staff who may conduct reviews or who may later work with the participant to understand what has occurred in the case.

### 3000.1 Time Limit

A "work eligible individual" is an adult or minor head of household parent who is receiving TEA cash assistance. A work-eligible individual who meets all the eligibility requirements may receive TEA cash assistance benefits for a period of up to ~~2412~~ twelve (12) months. The twelve (2412-) months do not have to be consecutive months. The months counted are based on the number of months the adult participant or "head of household" minor parent receives cash assistance.

The time limit does not apply:

- to cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case; or
- in the months in which an individual is deferred/exempt from work activity participation; or
- in the months in which a non-head of household minor parent receives cash assistance.



The time limit applies to non-parent caretaker relatives only when such relatives choose to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case.

The time a child receives assistance will not count toward his/her time limit when he or she becomes an adult.

Payments made by another state under a Temporary Assistance for Needy Families program count toward the ~~twelve (twenty-four)~~12-month limit in Arkansas if the participant has received more than thirty-six (36) such payments in another state. Only the payments from another state in excess of thirty-six (36) will count toward Arkansas' ~~twelve (twenty-four)~~12-month limit.

Diversion Assistance payments also count toward the ~~twelve (twenty-four)~~12-month limit if not repaid (See TEA policy 2130).

**Note:** A participant may request case closure at any time during receipt of assistance.

During periodic contacts, the ~~DWS Workforce Specialist~~Program Eligibility Specialist will inform the participant of the number of months of TEA eligibility remaining. The ~~DWS Workforce Specialist~~Program Eligibility Specialist should continue to stress to the participant the importance of employment because of the time limit.

The ~~DWS Workforce Specialist~~Program Eligibility Specialist will explain to the participant what action will be taken once the ~~24~~12~~twelve (12)~~-month time limit has been reached. (Refer to TEA policy 3300 for termination procedures.) The ~~DWS Workforce Specialist~~Program Eligibility Specialist will advise that the TEA case will be closed unless it is determined that an exemption, or extension from the time limit, should be granted (See TEA policy 3270 and 3405).

### **3200.1 Periodic Review of Time Limited Cases**

During Employment Updates and other periodic contacts with the participant, the ~~DWS Workforce Specialist~~Program Eligibility Specialist will ensure that the participant continues to meet eligibility requirements which are subject to change (e.g., child in the home, income, etc.). If it is determined that a participant's circumstances have changed, a task should be sent to DHS for redetermination of continued eligibility. The participant will be reminded of the responsibility to report changes within ten (10) days.

During periodic contacts, the participant will be informed of how many months of eligibility he or she has remaining due to the time limit. The number of months a TEA family has received benefits can be determined via the TEPC (TEA Payment Count in the WISE system) screen. The ~~DWS Workforce Specialist~~Program Eligibility Specialist should view this screen during periodic interviews with the participant.

The local office will review monthly reports identifying cases that have received TEA for Three (3), six (6), or ten (10) ~~12, 18, or 22~~ months.

### **3210 ~~Staffings~~Staffing**

Each TEA time-limited cash assistance case will be reviewed at designated times to monitor the participant's progress toward achieving self-sufficiency and to assess the appropriateness of closing, or of allowing an extension, as the participant nears the expiration of the ~~twenty-four~~12-twelve (12) month time limit.

Prior to closing the case due to time limit, a case review of the participant's situation will be made by a review team at the local level who will make the decision as to whether an extension should be ~~allowed~~allowed, or the case closed.

#### **3210.1 Local Office Review Team Composition**

The local office review team will be composed of, at a minimum, the ~~DWS Workforce Specialist~~Program Eligibility Specialist, the supervisor, the local office manager, and a staff member from the county DCFS staff. The DCFS staff member's focus should be to ascertain the likelihood of the children having to enter foster care or other protective care if the cash assistance case were to be closed. In addition, any other staff person who has been actively working with the family should be included. Such staff would include WIA staff, Rehabilitation Counselor, substance abuse treatment provider, domestic violence advocate or counselor, etc.

The local office review team may be involved in any of the following case reviews but must be involved in ~~the reviews the reviews at six (6) and ten (10) eighteen and twenty-two~~months reviews.

### **3215 Time Limit Extensions**

TEA time limits may be extended because a TEA participant was or is:

1. A parent caring for a child:
  - a. Under three (3) months of age; or
  - b. Between three (3) and twelve (12) months of age if child care for such child is not available.

2. An individual with disabilities (parent or caregiver).
3. A woman in the third trimester of pregnancy.
4. A parent or caregiver who is caring for individuals with disabilities (child relative or adult relative) living in the home.
5. An individual for whom support services are necessary to engage in a work activity are not available.
6. An individual who is unable to participate in work activities due directly to the effects of domestic violence.
7. An individual unable to participate in a work activity due to circumstances beyond his or her control.
8. A parent or caregiver over sixty (60) years of age.

Also, the following individuals may receive an extension of the time limit:

1. An individual who cooperated and participated in the required activities but was unable to obtain employment because of ~~circumstance~~circumstances beyond his or her control.
2. An individual for whom it has been determined appropriate to extend the time limit, particularly, but not limited to, cases in which it is necessary to protect the child from risk of neglect.
3. Individuals participating in education and training activities who have reached the end of their ~~twelve (twenty-four (24) 12)~~ -month cumulative limit on financial assistance, have complied with all TEA requirements and are within six (6) months of completing their current education or training program. However, the local office can make an exception and provide an extension to the six ~~(6)~~ months on a case-by-case basis.

The ~~DWS Workforce Specialist~~Program Eligibility Specialist may recommend an extension of the time limit based on the above criteria when a family is nearing the end of the time limit.

The decision as to whether an extension to the time limit should be granted is made at the local office level. There is no limit on the length or the number of extensions a participant can receive. An extension will be granted as soon as it is established but no later than ~~thirty (30)~~ days from the date it was claimed.

### **3220 Case Reviews at ~~Six and Twelve~~Three Months**

For those families in which the time limit count is at ~~six or twelve~~three (3) months, the ~~DWS Workforce Specialist~~Program Eligibility Specialist will review the case file to determine the work status of the participant. The ~~DWS Workforce Specialist~~Program Eligibility Specialist will complete form TEA-197, Case Management Staffing Documentation, and indicate whether or not the participant is making satisfactory progress toward the employment goal. If so, no further action is required at that time. If satisfactory progress is not evident, then the ~~DWS Workforce Specialist~~Program Eligibility Specialist will contact the participant to conduct an Employment Plan Update.

This review does not have to be a separate review from other regularly scheduled reviews or contacts the ~~DWS Workforce Specialist~~Program Eligibility Specialist may be conducting. The case record should be documented at these intervals to show

that a time-limit review has occurred.

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### 3230 ~~Eighteen~~Six-Month Review

For participants whose time limit count is at ~~six~~eighteen (6) months, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist will initiate a full review team case review and complete form TEA-197, Case Management Staffing Documentation. The ~~DWS-Workforce Specialist~~Program Eligibility Specialist will first contact the participant and determine his or her current status, e.g., progressing satisfactorily or not, current health status, etc. The case review team then meets and reviews the participant's situation. On a case-by-case basis, the team may request the participation of the participant in this process.

The purpose of this local office review is to:

1. familiarize the review team with the participant's circumstances;
2. assess the progress already made toward the employment goal and how much further progress is needed;
3. assess barriers to employment which still exist and to determine what enhanced services could be provided to resolve those barriers; and
4. make a recommendation as to whether the participant should be given a six (6) month ~~extension, or~~extension or be exempted from the time limit.

Following the review, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist will contact the participant if necessary to:

1. update the Employment Plan;
2. advise of other activities or services needed; and
3. advise of an extension (or exemption from) the time limit if approved.

The ~~DWS-Workforce Specialist~~Program Eligibility Specialist will also have, at a minimum, monthly personal contact with the participant for the next four (4) months to monitor progress, resolve problems, etc.

This review does not have to be separate and apart from other similar case ~~staffings~~staffing. If a regularly scheduled staffing occurs at the ~~18~~six (6)-month interval, it may serve as this review. The case record should be documented accordingly.

### 3240 ~~Twenty-two~~Ten-Month Review

If an extension or exemption was not allowed at the ~~eighteen~~six (6) 6-month review, the local office case review team will meet again to review the participant's current situation. The ~~DWS-Workforce Specialist~~Program Eligibility Specialist will complete form TEA-197, Case Management Staffing Documentation, and indicate whether or not any progress that has been made, and to determine if an extension to the time limit should now be allowed. All factors will be taken into consideration at this time and each member will make a recommendation as to case closure or extension at the end of ~~twenty-four~~twelve (12) months.

This review does not have to be separate and apart from other similar case ~~staffings~~staffing. If a regularly scheduled staffing occurs at the ten (2210)-month interval, it may serve as this review. The case record should be documented accordingly.

## 3250 Extension Expires

Near the end of the extension period, the same case review team process will occur before the case is closed. More frequent reviews may be made during the extension period at local office option.

## 3260 General Staffing Information

As with cases that are reaching the State ~~twelve (24)~~<sup>12</sup>-month time limit, an extensive staffing focusing on progress and activities that will best achieve employment by the time the participant reaches the time limit will be conducted on cases nearing the ~~sixty (60)~~<sup>60</sup>-month time limit. Other individuals or agencies that have been involved with the participant will be invited to the ~~staffings~~<sup>staffing</sup>. If these participants are unable to attend the case staffing, the ~~DWS Workforce Specialist~~<sup>Program Eligibility Specialist</sup> will obtain information regarding their involvement and the participant's activities and progress by phone, email, etc. During the staffing, all information to be used to determine if a hardship extension is appropriate will be collected.

Cases in deferred status and not counted in the state count should be staffed at six ~~(6)~~<sup>6</sup>-month intervals based on the federal count, as they are subject to the federal time limit. Therefore, these cases should be staffed every six ~~(6)~~<sup>6</sup> months in the same manner as the cases that are subject to the state count.

### 3260.1 Case Staffings at 42, 48, and 54 Months

The report provided to the local office each month listing cases and the number of months a participant has received TEA will be used to identify the cases that have reached ~~forty-two (42)~~<sup>42</sup>, ~~forty-eight (48)~~<sup>48</sup>, ~~fifty-four (54)~~<sup>54</sup> and ~~fifty-eight (58)~~<sup>58</sup> months on the federal count. The local office will use the information ~~on~~<sup>in</sup> the report to schedule case ~~staffings~~<sup>staffing</sup>. Prior to scheduling a staffing, the ~~DWS Workforce Specialist~~<sup>Program Eligibility Specialist</sup> should ensure that the count on the report and on the TEPC screen is the correct count according to the information that is contained in the case record. If the count is not correct, the local office contacts the TANF Policy Unit to request a TEPC count correction.

Cases that reach the 42<sup>nd</sup> month due to being in deferred status will have subsequent ~~staffings~~<sup>staffing</sup> at ~~forty-eight (48)~~<sup>48</sup>, ~~fifty-four (54)~~<sup>54</sup> and ~~fifty-eight (58)~~<sup>58</sup> months unless the circumstances change. If the circumstances are expected to change earlier, the staffing schedule can be adjusted accordingly. These case ~~staffings~~<sup>staffing</sup> will be completed in the same manner as the ~~three (3)~~<sup>3</sup>, ~~six (6)~~<sup>6</sup>, and ~~ten (10)~~<sup>10</sup> month ~~staffings~~<sup>staffing</sup> until the case reaches the 58<sup>th</sup> month. The decision to extend beyond the ~~sixty (60)~~<sup>60</sup> month time limit will be made following the 58<sup>th</sup> month case staffing. For the ~~forty-two (42)~~<sup>42</sup>, ~~forty-eight (48)~~<sup>48</sup>, ~~fifty-four (54)~~<sup>54</sup> month case staffing, the ~~DWS Workforce Specialist~~<sup>Program Eligibility Specialist</sup> will complete form TEA-196, Pre-Staffing Summary Report, prior to the staffing and form TEA-197, Case Management Staffing Documentation. Even though no extension decision will be made during these ~~staffings~~<sup>staffing</sup>, form TEA-198, Time Limit Case Review Checklist, will be completed for documentation.

Cases that reach the 42<sup>nd</sup> month due to being extended beyond the ~~24~~<sup>12</sup>~~twelve (12)~~<sup>12</sup>-month time limit will also have subsequent ~~staffings~~<sup>staffing</sup> at ~~forty-eight (48)~~<sup>48</sup>, ~~fifty-four (54)~~<sup>54</sup>

(54), and fifty-eight (58) months. The ~~DWS Workforce Specialist~~Program Eligibility Specialist will complete form TEA-196, Pre-Staffing Summary Report, prior to the staffing. The ~~DWS Workforce Specialist~~Program Eligibility Specialist will complete form TEA-197, Case

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**Example 1** - (fifty-five (55) hour rule - neither parent deferred) One parent could be involved in forty (40) hours of work activities, while the second parent would only be required to participate fifteen (15) hours per week.

**Example 2:** (thirty-five (35) hour rule - neither parent is an individual with ~~disabilities~~disabilities, but one (1) can be deferred). Both parents are job ready, but child care is needed. While the first parent is engaged in twenty (20) hours of employment, the second parent is at home providing child care. When the first parent isn't engaged in employment, he or she can take care of the children. The second parent may then share in the participation requirement by doing the remaining fifteen (15) hours of required work activities while the first parent is providing child care.

**Note:** A job ready person is defined as one who has no physical, mental or skill barriers that ~~prevents~~prevent employment. In addition, the individual has the educational background and experience to gain and maintain employment.

The minimum number of required hours may be in a single work activity or a combination of allowable activities.

### **3405 Work Participation Exemptions/Deferrals**

If a participant claims an inability to engage in work activities, the ~~DWS Workforce Specialist~~Program Eligibility Specialist will discuss the reasons why the participant believes he or she is unable to participate.

If a participant is exempt or deferred from work participation requirements:

1. The exemption or deferral will be granted as soon as it is established but no later than thirty (30) days from the date it is claimed.
2. The time limit will not count in the months he or she is exempt/deferred; and
3. The appropriate exempt/deferral reason will be applied (See the Resource Section for a list of codes).
4. The ~~DWS Workforce Specialist~~Program Eligibility Specialist will advise the participant that the deferred/exempt months do not count towards the ~~24~~twelve (12) month time limit.

#### **3405.1 Work Participation Exemptions**

The only persons who may be considered exempt, and therefore are not required to participate in work activities while exempt, are parents who are caring for a child:

- a. Under three (3) months of age; or
- b. Between three (3) and twelve (12) months of age if child care for such child is not available, as determined by the local office.

A parent may be exempted for the above reason for a maximum lifetime limit of twelve (12) months.

#### **3405.2 Work Participation Deferrals**

A participant will be temporarily deferred from participation any time he or she meets the



criteria for one of the deferral situations listed below. While in deferred status, the participant may elect to participate in a work activity or another appropriate activity if he

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or she voluntarily chooses to do so. Supportive services will be provided for the deferred individual who chooses to participate in a work activity.

1. An individual with disabilities (parent or caregiver) is any participant who alleges he or she is unable to engage in employment activities due to a short-term disability. A participant who alleges a ~~long-term~~long-term disability with an expected duration of six (6)-months or longer is required to apply for Social Security or Supplemental Security Income (SSI) disability benefits. (See TEA policy 3405.4 for detailed information on medical disability verification.)
2. A woman in the third trimester of pregnancy.
3. A parent or caregiver who is caring for individuals with disabilities (child or adult relative) who are living in the home.

**Note:** If the family member will require care for an extended period of time, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist should explore other resources or available services (~~e.g.e.g.~~, a home health aide) which would enable participation.

4. Supportive services necessary to engage in an activity are not available (~~e.g.e.g.~~, child care, transportation). The local office will make the determination as to whether a particular supportive service is necessary for participation.
5. The person is unable to participate in work activities due directly to the effects of domestic violence.
6. The person is unable to participate due to circumstances beyond his or her control. This decision will be made at the local office level. Circumstances include, but are not limited to, natural disasters.
7. In two-parent families, one parent may be deferred from participation to care for the minor child(ren), when appropriate.
8. A parent or caregiver over sixty (60) years of age.

**Note:** Any month a participant is deferred or exempt from work participation activities will not count toward the state's ~~24~~twelve (12)-month time limit. Also, there is no limit on the length or the number of deferrals a participant can receive, provided requirements are met. Therefore, an exempt/deferred individual automatically receives a month-for-month extension to the ~~24~~twelve (12)-month time limit for each deferred/exempt month.

A review of the deferral will be made at least once a month by phone or mail.

### **3405.3 Verifying Deferral Reasons**

If a participant meets one of the deferral reasons, verify the reason for deferral and document the case record accordingly.

### **3415.2 Self-Employment**

Self-employment is defined as income generated from working for one's self rather than for others. The number of hours of self-employment counted towards participation is determined by calculating the participant's gross income, minus business expenses, divided by the Federal Minimum Wage.

Participants must provide documentation of verified gross income, minus business expenses. This includes copies of money orders, checks, and other forms of proof of income or expenditures.

Participants must provide bi-weekly verification.

**Example:** Ms. Jones, a single parent, states she is taking care of the neighbor's child while they are working. Ms. Jones claims she makes one hundred dollars (\$100.00) per week and has no expenses. The minimum wage during her time of employment is \$6.55/hour. To verify Ms. Jones' hourly participation, divide one hundred (\$100) by \$6.55. The total hours of participation would be fifteen (15). Therefore, Ms. Jones would need an additional work activity for the remaining fifteen (15) hours.

Types of bi-weekly verification needed to show participation include invoices, paystubs, and form TEA-97, Verification of Earnings.

### **3420 Subsidized Employment (Private and Public)**

The subsidized employment work activity is a core activity defined as employment for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wage and costs of employing a participant. It is also designed to provide trained participants with actual work experience. The person may be hired by a private or public sector employer. Employers are asked to hire participants in positions which would normally call for an employee with experience.

Subsidized Employment is limited to a maximum of six (6) months during a twelve (12) ~~twenty-four~~12-month period. However, the local office manager may approve extensions of up to ninety (90) days with appropriate justification and documentation. The level of participation in this activity must be at least the minimum number of hours per week as required in TEA policy 3401.1 with a maximum not to exceed forty (40) hours per week.

In situations in which a person with job skills has been unsuccessful in obtaining unsubsidized employment and the family is nearing the end of its time limit on cash assistance, subsidized employment may be appropriate. However, a participant may be engaged in subsidized employment at any time. While working in a subsidized job, a portion of the person's wages (up to half) may be paid by the TEA program.

A TEA participant in subsidized employment shall be eligible for the same benefits as a non-subsidized employee who performs similar work.

Prior to engaging a participant in a subsidized employment placement with a particular

| employer, the local office will develop a written contract with the employer.

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Failure to be in compliance without good cause could result in imposition of the non-compliance sanction.

At worksites developed by the local office, up to half of the wages paid by the employer may be reimbursed by the TEA program. Local offices should use TEA-1437, On-the-Job Training Agreement, when setting up worksites. The signed agreement must be in place before the participant can engage in the OJT work activity. The participant will be required to verify hours of participation (Refer to TEA policy 2342).

Participation in the OJT work activity is limited to a maximum of six (6) months during a ~~twenty-four~~12-twelve (12) month period. The local office manager may approve a one (1)-time extension of up to ninety (90) days for participation in OJT. The level of participation in this activity must be at least the minimum number of hours per week as specified with a maximum of forty (40) hours per week.

Upon completion of the OJT assignment, it is anticipated that the participant will be hired as a regular employee.

### **3425.1 On-The-Job Training (OJT) Worksite Development**

The local office will have responsibility for marketing and developing OJT worksites for the TEA program.

Local office staff will negotiate OJT/Employment agreements with employers in their area ~~(i.e.)~~(i.e.) city, county, multi-county). Private and public employers may be utilized when developing OJT agreements. Form TEA-1437, On-the-Job Training Agreement, will be used to outline the proposal.

In negotiating agreements, the local office will ensure that the employer understands that the purpose of the agreement is to:

1. provide an opportunity for TEA participants to obtain training and job supervision,
2. encourage their participation by providing a mechanism by which TEA participants become self-sufficient employees, and
3. provide employment to participants upon satisfactory completion of the On-the-Job Training.

The local office representative and employer will complete and sign the On-The-Job Training/Employment Agreement.

### **3425.2 Approval Process/Procedures for OJT/Employment Agreements**

Once the TEA-1437 On-The-Job Training ~~Agreement~~Agreement has been negotiated, it will be submitted to the local office manager for approval. The local office manager will review and make a decision within three (3) working days.

The local office will monitor the participation at the OJT employment site through contact with the Training Supervisor. This contact will be conducted at least once each month either by telephone or in person.

### 3665 ESS Medicaid

In certain situations, a family who becomes ineligible for TEA benefits due to employment may receive up to one year of extended Medicaid coverage (Refer to DHS Medical Services Policy 2061).

### 3670 Employment Bonus

TEA cases which close due to employment (by agency determination or participant request) or have reached the time limit and the individual is employed will be eligible to receive an Employment Bonus payment, unless the family has already received an Employment Bonus within the preceding twelve (12) months. The purpose of the payment is to help the employed participant meet work-related expenses during the first full month of employment following the termination of regular cash assistance to better enable him or her to retain the job.

The amount of the bonus payment will be equal to the amount of the last regular TEA cash payment and it will **not** count toward the participant's ~~twenty-four~~12-twelve (12) month time limit.

When a case is closed for payment with one of the Action Reasons specific to the Employment Bonus, the system will automatically issue the bonus payment to the family in the month following the effective month of closure. If a system generated notice of closure is not sent, the local office should include the information regarding the Employment Bonus in their manual notice of closure so that the participant will know its purpose and be expecting it. (The system generated closure notice for an Employment Bonus closure code will include that information.)

Only one Employment Bonus may be authorized to a participant within a preceding twelve (12) calendar month period. Therefore, if a participant who received an Employment Bonus returns to TEA cash assistance, such participant cannot receive another Employment Bonus for at least twelve (12) months even if the case closes due to employment before then.

**Example:** Ms. Jones started to work in January 2008 and requested her case be closed due to her new employment effective February 2008. Her case was closed in ANSWER in January 2008 with an Employment Bonus Action Reason. The bonus payment was issued to Ms. Jones in February 2008. In November 2008 Ms. Jones loses her job, reapplies for TEA cash assistance, and is recertified in December 2008. She finds another job in January 2009 and again her case is closed due to employment effective for February 2009. However, she cannot receive an Employment Bonus this February 2009 because she received one within the twelve months preceding this month (i.e., the prior February of 2008).

### 3675 Transportation Bonus

TEA cases which close due to employment (by agency determination or at participant request) or have reached the time limit and the participant is employed will automatically

be eligible to receive one (1) month of Extended Support Transportation bonus. The payment will assist the participant in meeting transportation expenses.

The Extended Support Transportation bonus will be in the amount of two hundred (\$200) and will not count toward either the state or federal time limit.

When a case is closed due to earnings, the DWS Workforce Specialist Program Eligibility Specialist will use the closure codes specific to allowing this Extended Support Service. Verification of earnings is not required. The system will automatically issue to the participant's EBT account the first month of Extended Transportation benefit in the month following the month of case closure. There is no limit to the number of times an individual may receive the extended support service transportation bonus.

### **3675.1 Extended Support Services Employment Bonus and Transportation Examples**

The following are situations in which ESS employment bonus and/or transportation assistance will be authorized.

**Note:** A system edit will prevent more than one Employment Bonus from being issued in any twelve (12)-month period.

1. Ms. Manning reported that she found a job and requested her TEA case be closed. The participant's statement that she is employed may be accepted without verification.
2. An anonymous telephone call is received in the local office reporting that Ms. Smith is working. A ten (10)-day notice is sent to Ms. Smith requesting that she contact the local office concerning the report. Ms. Smith calls the local office and states that she is working and no longer wants TEA benefits. Ms. Smith's case will be closedclosed, and the ESS transportation bonus will be authorized.
3. Ms. Davis reported that she was employed. Based on her earnings, she was no longer eligible for TEA cash assistance. The TEA case was closedclosed, and the ESS Employment transportation bonus was authorized.
4. Ms. Long is in her twenty-fourthtwelfth-twelfth (12<sup>th</sup>) mm month of TEA cash assistance. After her twenty-second 10-ten (10) mm month case staffing, it was determined that her time limit will not be extended. Ms. Long is working, but her earnings are not enough to cause ineligibility. Because she has earnings when her TEA case is closed, she is eligible for the ESS Employment Bonus and Transportation assistance.

In the following **example**, an ESS Employment Bonus and Transportation assistance will **not** be authorized.

**Example:** A telephone call was received in the local office reporting that Mr. Jones was employed. A ten (10)-day notice was sent to Mr. Jones to contact the local office concerning the report. Mr. Jones did not contact the local office. The TEA case was closed for failure to respond to the notice. Even though this was a report of employment, the ESS Employment Bonus and Transportation assistance will not be authorized because Mr. Jones did not confirm that he was employed.

### 3680 Extended Support Services Job Retention

Those participants who become ineligible for continued TEA cash assistance benefits due to employment may receive, during the twelve (12) month period following case closure, cash payments for the purpose of enabling the participant to retain his or her job. The participant must show that there is an immediate job-related need which, if not resolved, will result in the termination of his or her job. In addition, there must be no other local resources available to meet the need. All ESS Job Retention services must be pre- approved.

The amount of the payment will be the actual amount needed to resolve the job-related need. If the payment exceeds two hundred (\$200), the local office manager must submit written justification prior to keying to WISE. To do so, the local office manager must complete a written justification and email or fax to the TANF Policy Unit.

The Extended Support Services Job Retention Payment will not count toward the participant's maximum twenty-four-twelve (142)- month limit.

The following are examples of situations in which a former participant would need assistance in retaining a job:

**Example:** Ms. Smith started to work in July 1998 and her TEA case closed in December. Ms. Smith is still employed in February 1999. However, her car has broken down and is in need of repairs in order for her to continue to work. All other resources have been exhausted and her case closed within the prior twelve months. In this instance, Ms. Smith may receive an Extended Support Service Job Retention payment to repair her car.

**Example:** Mr. Jones has been employed since March and his TEA case closed in September. Mr. Jones has not received any assistance for the past eleven months. In order for this former participant to remain employed, he must purchase a special type of uniform. Mr. Jones states that after his expenses are met, he has very little little, or nothing left over for extras. All other local resources have been exhausted. In this instance, Mr. Jones may be paid an Extended Support Service Job Retention payment to purchase the special uniform.

Although more than one job retention payment may be made during the twelve (12)- month period, DWS Workforce Specialist Program Eligibility Specialists should be alert to situations in which a participant requests multiple payments throughout the year. Job retention payments should not become a substitute for regular cash assistance payments or be viewed as an additional year of cash assistance.

Prior to authorizing any job retention payment, it must be clearly established that a job-related need exists and that failure to meet that need will most likely result in the participant's job being terminated. In addition, job retention payments may not be used to provide on-going assistance with basic needs such as rent or utilities since that type of assistance must be counted for purposes of the time limit.



## 3800 Employment Services - Non-Compliance

The purpose of the non-compliance process is to encourage the participant to comply with the work activity requirement. It is expected this process will assist the participant in successfully reaching the goal of full-timefull-time employment while safeguarding the health and well-beingwell-being of the children.

### 3800.1 Defining Failure to Comply

Failure to comply occurs when a person who is required to participate in the program:

1. fails to participate in a work activity;
2. refuses to accept employment;
3. terminates employment without good cause; or
4. otherwise fails to comply with his or her Employment Plan;

### 3800.2 Good Cause

The non-compliance process will be stopped if the participant demonstrates that he or she had good cause for not complying. The determination of good cause is a local office decision.

Good cause for failure to comply will be found to exist if:

1. The participant is the parent or other relative personally providing care for a child under age six (6) years and child care is not available.
2. Child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for a participant to engage in a work requirement or continue in the program or to accept employment and such care is not available.
3. Transportation is unavailable.
4. The working conditions would be a risk to the participant's health or safety.
5. The worksite is only available because of a labor dispute.
6. The participant was subject to discriminatory practices based on age, sex, race, religion, disability, political affiliation, veteran status, color, or national origin.
7. The offer of employment is not a specific job at a stated wage, which meets the Federal minimum wage.
8. The failure to participate was due to events beyond the participant's control, which include, but are not limited to: inclement weather, family emergency, natural disaster, a short-termshort-term illness which temporarily prevents employment, or mail loss.

### 3800.3 Determining Good Cause

Once failure to comply with TEA work requirements has been established, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist will:

1. Contact the participant 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. This contact should be in writing (i.e.i.e., TEA-1). If the contact is made by phone or face-to-face, the case record must be documented accordingly. The ~~DWS-Workforce Specialist~~Program Eligibility Specialist should provide the participant, at a minimum, the following information:

- a. The specific act of non-compliance;
- b. A reasonable time (e.g., ten (10) days if contacting the participant by mail) to establish good cause prior to applying the sanction.
- c. If the sanction is imposed, it will result in the cash assistance payment being suspended, reduced, or terminated.

**Note:** Suspended is defined as a period in which the family's financial assistance shall be held pending compliance. After which the family's assistance may be reduced, lost and/or paid at the regular grant amount.

- d. That the sanction months in which benefits are received will continue to count toward the individual's 2412-twelve (12) month time limit.
2. Make a determination as to whether or not ~~good~~ good cause exists.
    - a. If the participant contacts the local office and ~~good~~ good cause is determined to exist, then all non-compliance procedures will stop, and the participant will be rescheduled for an appropriate activity.

**Note:** Any time a participant meets a deferral reason, the non-compliance process will be stopped.

- b. If good cause does not exist but the participant states a willingness to cooperate, the participant will be required to engage in an appropriate activity for a period of 2-(two)two (2) weeks. If the participant does not satisfactorily complete the two (2) weeks of ~~participation~~ participation, then the non-compliance sanction process will proceed.

**Note:** If the ~~DWS Workforce Specialist~~ Program Eligibility Specialist becomes aware that the participant had good cause for failing to complete the two weeks of participation, consideration of that will be given. However, it is not necessary to formally provide the person with an opportunity to show he or she had good cause in this situation.

3. In the event good cause is not established and the participant does not state a willingness to cooperate, the cash assistance payment will be suspended, reduced or terminated in accordance with the Non-Compliance Sanction (Refer to TEA policy 3800).
4. An adequate notice, Form TEA-1421, Notice of Work Activity Non-Compliance ~~Sanction~~ Sanction will be sent to the participant advising that a sanction is being imposed.

### 3805 Non-Compliance Sanction

An act of non-compliance opens the initial sanction process. The sanction process is as follows:

1. TEA benefits will be suspended for one (1) month.
2. If the participant fails to comply after the benefits have been suspended, the suspended payment will be lost.

2. Complete a new budget to determine the family's continuing eligibility and payment amount.
3. Give advance notice (system generated or DCO-1), if necessary. If advance notice is not necessary, notify the participant that the action has been taken via DCO-1 if a system generated notice is not sent.
4. Complete the DCO-56 for keying to the ACES system.

#### **4134 Marriage of the TEA Parent**

When a TEA participant reports a marriage, the worker will:

1. Require an application to add the new spouse to the unit unless the spouse is an SSI participant.
2. Determine if the person married is employed or has any other income or resource.
3. If the family remains eligible, determine the person's work participation requirements and advise the family of such requirements if appropriate.
4. Record all pertinent information in the case narrative.
5. Complete a new budget.
6. Complete DCO-56 changing name of payee and grant amount, if necessary.
7. Allow the participant an opportunity to complete a Voter Registration Application so that he or she can report an address or name change to the county clerk's office if he or she so chooses (Refer to Appendix V).
8. In situations in which a system notice is not generated, notify the participant by DCO-1, if appropriate.

#### **4148 Appeal Rights**

If the decision is to close the case at the end of ~~twenty-four~~ twelve (12) months and not allow an extension, the participant has the right to appeal that decision through the Appeals and Hearings office. However, benefits will not be continued pending the hearing decision after the ~~twenty-fourth~~ twelfth (12<sup>th</sup>) month. Retroactive payment may be made if the hearing decision overturns the case closure decision.

#### **4200 Non-Eligibility Changes**

##### **4210 Change of Address**

The participant is responsible for notifying the County Office within ten (10) days of any change of address. It is important that the participant be advised of his/her responsibility to report any change of address within ten (10) days to ensure that the participant will receive appointments, notices, etc. in a timely manner. It is also important that any change of address reported be processed promptly by the County Office.

##### **4210.1 To change an Address**

1. Record all pertinent information in the case record.
2. Key the change to the automated system.

## 10000 ARKANSAS WORK PAYS

Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. Provided they meet Work Pays eligibility requirements, families participating in Arkansas Work Pays will receive: a monthly cash assistance payment in the amount of two hundred and four dollars (\$204) for up to 24 ~~12~~ twelve (12) months, case management, supportive services, and job retention and advancement services. The twelve (12) months will count toward the federal sixty (60)-month time limit but not the state's TEA 24-month limit. If the participant reaches sixty (60) months while participating in Work Pays, an automatic extension will be given to the sixty (60)-month time limit. This work incentive program may be limited to three thousand (3,000) families.

The ~~DWS~~-worker will explain the Work Pays program to the applicant and provide a Work Pays pamphlet during the initial interview for TEA cash assistance. The ~~DWS-Workforce Specialist~~Program Eligibility Specialist will discuss the Work Pays program with the participant during ongoing case management activities. When the TEA case closes due to employment, the participant will receive additional information about Work Pays, including a Work Pays application.

### 10100 Work Pays Eligibility Requirements

A participant must meet the following requirements:

1. Be employed at least thirty (30) days prior to the date of the Work Pays application;
2. Have care and custody of a related minor child, including family cap child (TEA Policy 2150.1) and child receiving SSI;
3. Be a resident of the State of Arkansas;
4. Meet the citizenship or alienage requirement (Refer to TEA policy 2220);
5. Apply for Work Pays within six (6) months of TEA case closure;
6. Received TEA cash assistance for at least three (3) months, including months of deferral. (These months do not have to be consecutive. Months from other states do not count);
7. Have not received more than 12 ~~24~~ twelve (12) months of Arkansas Work Pays Program Benefits;
8. Meet Work Hours Requirement:
  - a) For initial eligibility - Was engaged in paid work activities for a minimum of twenty-four (24) hours per week and met the federal participation rate for the past month.
  - b) For on-going eligibility – must be in paid work activities for a minimum of twenty-four (24) hours per week and meet the federal participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months;
9. Have income below 150% of the federal poverty level for the family size, including SSI and Family Cap Children (SSI and family cap children are counted in the household size when determining FPL, even if they are not part of the budget unit.)

**Note:** Stepparents with no child in common are NOT part of the Work Pay budget unit. Therefore, the income of the stepparent is disregarded.

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10. Comply with the Work Pays Personal Responsibility Agreement;

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11. Comply with Office of Child Support Enforcement (OCSE) requirements, including assignment of support and cooperation in establishing paternity and/or support unless good cause exists; and
12. Comply with drug screening and testing requirements.

**Note:** If a participant has reached or exceeded the sixty (60)-month federal time limit when the participant applies (or reapplies) for Work Pays, the application will be denied.

### **10101 Work Pays Application Process**

For participants interested in applying for Work Pays, the application must be completed and submitted via mail, email, or fax to DWDHS for initial eligibility determination. The Work Pays applicant must sign the application. If it is a two (2)-parent household, both parents must sign the form.

In accordance with Arkansas Act 1205 of 2015, drug screenings of applicants and recipients will be conducted as a part of applicationthe application process – during initial eligibility determination and during reevaluation (redetermination).

### **10102 Determining Initial Eligibility**

#### **10102.1 Employed 30 Days Prior to Application Date**

For initial eligibility, the DWS-Workforce SpecialistProgram Eligibility Specialist will review the application to determine if the participant was employed at least thirty (30) days **prior to** the application date. If the participant was not employed at least thirty (30) days prior to the application date, no initial interview will be scheduled. The application will be denied, and a DWS-ARK-TEA-1 will be sent as an adequate notice of the denial. No good cause will be given for not meeting initial eligibility. (See TEA policies 4050 and 4051 for more information on adequate notices).

**Example:** An applicant submitted an application dated October 15<sup>th</sup>. On the application, the applicant indicated employment began on September 16<sup>th</sup>. Because the applicant was only employed twenty-nine (29) days, the application is denied.

#### **10102.2 Automated System Review**

If the participant was employed thirty (30) days prior to the application date, the DWS-Workforce SpecialistProgram Eligibility Specialist will review the following information in the automated system to further determine if the participant meets initial eligibility. (Refer to Policy 10100).

The participant:

- Must have care and custody of a related minor child (including family cap child and child receiving SSI);
- Must meet the citizenship of alienage requirement;
- Must apply for Work Pays within six (6) months of TEA case closure (unless the previous Work Pays case closed due to insufficient hours);
- Must have received at least three (3) months of TEA cash assistance, including

deferral and exemption months. (This includes TEA cases that close due to reaching the time limit or have been extended and earnings are included.); and

- Must not have received more than twelve (24-12) months of Work Pays.

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If the requested information is submitted within ten (10) calendar days, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist will key the actual hours into the automated system and select the full payment indicator.

If the requested information is not submitted within ten (10) calendar days, the ~~DWS-Workforce Specialist~~Program Eligibility Specialist will key the actual hours into the automated system and select the sanctioned payment indicator. (Refer to Work Pays policy 10700 for non-compliance requirements).

## **10600 Work Pays Bonus**

As an incentive to participants to retain their jobs, each Work Pays participant may receive pre-set bonus payments after meeting certain job retention targets. To be eligible for the bonuses, the participant must have met the federal work participation rate requirement in each of the preceding months according to the bonus schedule below. All bonus payments will be made through the participants' EBT card but not counted as cash assistance. Bonuses will be keyed after the monthly cash assistance payment has been released.

The ~~DWS-Workforce Specialist~~Program Eligibility Specialist will assess prior work participation and select the indicator in the automated system to trigger the appropriate bonus payment. The bonus payment indicator should be marked at the same time as the work participation is entered each month. (See Work Pays policy 10504 for information on keying work participation hours.)

**Note:** Good cause months are classified as non-compliance and must be considered when determining if a participant is eligible for a bonus.

If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays policy 10800 for the eligibility criteria for re-entry to the Work Pays program.)

### **10600.1 Bonus 1: Three (3) Months Job Retention Target**

Participants that meet the work participation requirements for three (3) consecutive months will receive a bonus in the amount of four hundred dollars ( \$400.00).

### **10600.2 Bonus 2: Additional Six (6) Months Job Retention Target**

Participants that meet the work participation requirements for an additional six (6) consecutive months not including the initial three (3) months in bonus one (1) above will receive a job retention bonus in the amount of six hundred dollars (\$600).

### **10600.3 Bonus 3: ~~21 Out of 24~~ Twelve (12) Months Job Retention Target**

Upon closure of the Work Pays case due to time limits, participants that have met the work participation requirements for twelve (21-12) out of 21-twelve (142) months will receive an exit bonus in the amount of eight hundred dollars (\$800).



#### **10600.4 Earnings' Bonus: Case Closure Due to Earnings**

The Work Pays participant may receive an earnings' bonus of \$1,200.00 anytime within the twelve (2412)- month case time limit if their income exceeds 150% of the Federal Poverty Level (FPL) for their family size. The DWS Workforce SpecialistProgram Eligibility Specialist will notify the supervisor if it appears that earnings exceed FPL. The supervisor will review the documentation and determine eligibility for the bonus. If it is determined that earnings exceed FPL, the DWS Workforce SpecialistProgram Eligibility Specialist will send a ten (10)- calendar day advance notice of closure to the participant (DWS-ARK-TEA-1). Once the notice expires, the DWS Workforce SpecialistProgram Eligibility Specialist will close the case. After case closure, the supervisor will authorize the bonus to be issued.

**Note:** Temporary fluctuations such as overtime, seasonal bonuses, etc. will not be considered when determining eligibility for the earnings bonus. (See Work Pays policy 10300 for more information on FPL calculations).

#### **10700 Non-Compliance**

Non-compliance occurs when a person who is required to participate in certain activities fails to do so. Below are two reasons that a Work Pays participant's case may be deemed in non-compliance. The participant:

1. fails to comply with the assigned work requirement; and/or
2. refuses to cooperate with the Child Support Enforcement

#### **10710 Compliance with Child Support Enforcement**

The participant will be required to comply with the Office of Child Support Enforcement. Failure to comply without good cause will result in a 25% sanction being imposed. This sanction is an automatic system generated sanction and requires no action on the part of the DWS Workforce SpecialistProgram Eligibility Specialist.

#### **10720 Good Cause for Work Non-Compliance**

The sanction process will not be applied if the person demonstrates that he or she had good cause for not complying. The determination of good cause is a decision made by each local office. For acceptable good cause reasons, refer to TEA policy 3800.2.

**Note:** Good cause months are classified as non-compliance and could result in case closure when determining if a participant has failed to comply for three (3)- consecutive months or failed to comply for at least three (3) months out of the past six (6) months.

#### **10730 Determining Good Cause for Work Non-Compliance**

Once failure to comply with Work Pays requirements has been established, the following procedures will be followed:

1. Contact the participant to give him/her the opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact will be in writing. If the initial contact is made by phone or face-to-face, the DWS-ARK-TEA-1 must be mailed as a ten (10)- calendar day advance notice, and the case

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must be documented accordingly. The DWS Workforce Specialist Program Eligibility Specialist will provide the participant, at a minimum, the following information:

- a. The specific act of non-compliance;
  - b. A reasonable time to establish good cause prior to applying the sanction;
  - c. That if the sanction is imposed, it will result in the Work Pays payment being reduced;
  - d. That the sanction months in which benefits are received will continue to count toward the participant's 24~~twelve (12)~~-month time limit; and
  - e. A specific date and time for a home visit – to be conducted before the notice expires.
2. If the participant contacts the local office and good cause is determined to exist, then a good cause payment will be authorized.
  3. In the event good cause is not established and the participant does not cooperate, the cash assistance payment will be reduced or cancelled, if appropriate.

### **10740 Non-Compliance Sanction**

If on the 5<sup>th</sup> workday of the month, verification of hours has not been received, a ten (10)~~(10)~~-calendar day advance notice (~~DWS-ARK-TEA-1~~) will be sent on the 6<sup>th</sup> workday of the month requesting documentation. If the documentation is not received within the ten (10) calendar days provided in the sanction notice (and good cause is not established), either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed. (Refer to Work Pays policy 10504 for more information on applying the sanction.)

If a participant does not comply with both the work requirement and the Office of Child Support Enforcement, the sanction applied will not exceed 50%.

If the participant fails to meet the participation requirements, then the participant will be sanctioned. Either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed.

Home visits will be required on Work Pays cases when an act of non-compliance occurs (i.e., each month of non-compliance).

### **10750 Lifting the Sanction**

If the participant fully participates in the next month following a sanctioned payment, the DWS Workforce Specialist Program Eligibility Specialist will authorize a full payment.

If the payment was reduced due to an OCSE sanction, the participant must fully cooperate with OCSE before full payment can be authorized. The OCSE sanction will be lifted upon receipt of OCSE documentation verifying cooperation.

## 3000 CASE MANAGEMENT and EMPLOYMENT SERVICES

### Case Management Services

Case management is the process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency. Program Eligibility Specialists serve as a point of contact for participants and a point of accountability for the agency. The Program Eligibility Specialist has overall responsibility for working with participants from initial assessment until case closure.

The primary case management consists of the following primary activities:

- **Screening & Assessment** includes all the interactions that Program Eligibility Specialist have with participants, from the initial interview and screening process, through case closure and the provision of extended services. In all of these interactions, the goal is to help the participant identify which services are needed to support family self-sufficiency. Rapport and trust are built by helping participants identify and address their own issues.
- **Brokering for resources**, communication with partners and staffing ensure that the most appropriate services are provided to the participant. Program Eligibility Specialist will work closely with community and other partners; Brokering also involves continual evaluation of each service's usefulness and success. Brokered services include not only case plan activities and local resources, but DHS, Social Security, child support, and other benefits as well.
- **Employment plans** are the road map for the participant in their journey toward enhanced self-sufficiency. They are developed using the participant's best thinking on how they can increase self-sufficiency. The results of initial assessment are used to help the participant choose self-sufficiency-enhancing services, and the Program Eligibility Specialist acts as a broker to access these services. The plan states when, where, how, and by whom these activities will be provided. Employment plans should be individualized based on participant need and can be added to and adjusted over time.
- **Narration and computer entry** are the means by which our benefits are provided, and case activities recorded. They also enable us to collect and evaluate data to continually improve program services. Accuracy and timeliness of narration and computer entry are necessary to help us maintain federal and state funding. Case narratives should be clear, comprehensive, and void of personal opinion.

All these activities occur during case management, but the order may vary depending on the participant's situation. In all cases, we use case management skills such as asking open-ended questions, restating, and summarizing, and helping participants develop their own plan of action and be accountable for their own progress.

Case management services will be provided to those participants who need assistance before and after accepting employment. This service will be provided as long as the participant is eligible, and up to twelve (12) months after cash assistance has been terminated due to employment (Refer to TEA policy 3680.1).

## **Intent - Individualized Approach**

Central to the purpose of the TEA program is an individualized approach to employment services. An individual Employment Plan is developed for each TEA participant based on his or her individual and family circumstances. Therefore, the process of working with the participant in employment related activities should, to the maximum extent possible, be geared to the specific needs and circumstances of that individual and family. It is the intent of the policy and procedures described in the following sections to assist local office staff with making decisions regarding the most appropriate work activities and supportive services which will lead participants to self-sufficiency.

## **Focus - Time-Limited Nature of Program**

In conjunction with an individualized approach, focus must be placed on the time-limited nature of the program. Most participants will have a maximum of twelve (12) months to attain some level of self-sufficiency before cash assistance is terminated. Some participants may have less than twelve (12) months to attain self-sufficiency depending upon past periods of TEA receipt. Therefore, it is critical that the Program Eligibility Specialist and participant make decisions that consider where the family is in terms of the time-limit. For example, if a family has only two or three months remaining before the time-limit expires, job search or subsidized employment would probably be a more appropriate activity than career and technical education.

## **Documentation**

Documentation and complete and accurate case records are vital to the success of good case management. The case record should include a clear chronology of events during a participant's entire experience with the program. The documentation constitutes a major source of evidence in the supporting of the agency's position in a case. In addition, good documentation enables other staff who may conduct reviews or who may later work with the participant to understand what has occurred in the case.

### **3000.1 Time Limit**

A "work eligible individual" is an adult or minor head of household parent who is receiving TEA cash assistance. A work-eligible individual who meets all the eligibility requirements may receive TEA cash assistance benefits for a period of up to twelve (12) months. The twelve (12) months do not have to be consecutive months. The months counted are based on the number of months the adult participant or "head of household" minor parent receives cash assistance.

The time limit does not apply:

- to cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case; or
- in the months in which an individual is deferred/exempt from work activity participation; or
- in the months in which a non-head of household minor parent receives cash assistance.

The time limit applies to non-parent caretaker relatives only when such relatives choose to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case.

The time a child receives assistance will not count toward his/her time limit when he or she becomes an adult.

Payments made by another state under a Temporary Assistance for Needy Families program count toward the twelve (12) month limit in Arkansas if the participant has received more than thirty-six (36) such payments in another state. Only the payments from another state in excess of thirty-six (36) will count toward Arkansas' twelve (12) month limit.

Diversion Assistance payments also count toward the twelve (12) month limit if not repaid (See TEA policy 2130).

**Note:** A participant may request case closure at any time during receipt of assistance.

During periodic contacts, the Program Eligibility Specialist will inform the participant of the number of months of TEA eligibility remaining. The Program Eligibility Specialist should continue to stress to the participant the importance of employment because of the time limit.

The Program Eligibility Specialist will explain to the participant what action will be taken once the twelve (12) month time limit has been reached. (Refer to TEA policy 3300 for termination procedures.) The Program Eligibility Specialist will advise that the TEA case will be closed unless it is determined that an exemption, or extension from the time limit, should be granted (See TEA policy 3270 and 3405).

### **3200.1 Periodic Review of Time Limited Cases**

During Employment Updates and other periodic contacts with the participant, the Program Eligibility Specialist will ensure that the participant continues to meet eligibility requirements which are subject to change (e.g., child in the home, income, etc.). If it is determined that a participant's circumstances have changed, a task should be sent to DHS for redetermination of continued eligibility. The participant will be reminded of the responsibility to report changes within ten (10) days.

During periodic contacts, the participant will be informed of how many months of eligibility he or she has remaining due to the time limit. The number of months a TEA family has received benefits can be determined via the TEPC (TEA Payment Count in the WISE system) screen. The Program Eligibility Specialist should view this screen during periodic interviews with the participant.

The local office will review monthly reports identifying cases that have received TEA for Three (3), six (6), or ten (10) months.

### **3210 Staffing**

Each TEA time-limited cash assistance case will be reviewed at designated times to monitor the participant's progress toward achieving self-sufficiency and to assess the appropriateness of closing, or of allowing an extension, as the participant nears the expiration of the twelve (12) month time limit.

Prior to closing the case due to time limit, a case review of the participant's situation will be made by a review team at the local level who will make the decision as to whether an extension should be allowed, or the case closed.

#### **3210.1 Local Office Review Team Composition**

The local office review team will be composed of, at a minimum, the Program Eligibility Specialist, the supervisor, the local office manager, and a staff member from the county DCFS staff. The DCFS staff member's focus should be to ascertain the likelihood of the children having to enter foster care or other protective care if the cash assistance case were to be closed. In addition, any other staff person who has been actively working with the family should be included. Such staff would include WIA staff, Rehabilitation Counselor, substance abuse treatment provider, domestic violence advocate or counselor, etc.

The local office review team may be involved in any of the following case reviews but must be involved in the reviews at six (6) and ten (10) months reviews.

### **3215 Time Limit Extensions**

TEA time limits may be extended because a TEA participant was or is:

1. A parent caring for a child:
  - a. Under three (3) months of age; or
  - b. Between three (3) and twelve (12) months of age if child care for such child is not available.

2. An individual with disabilities (parent or caregiver).
3. A woman in the third trimester of pregnancy.
4. A parent or caregiver who is caring for individuals with disabilities (child relative or adult relative) living in the home.
5. An individual for whom support services are necessary to engage in a work activity are not available.
6. An individual who is unable to participate in work activities due directly to the effects of domestic violence.
7. An individual unable to participate in a work activity due to circumstances beyond his or her control.
8. A parent or caregiver over sixty (60) years of age.

Also, the following individuals may receive an extension of the time limit:

1. An individual who cooperated and participated in the required activities but was unable to obtain employment because of circumstances beyond his or her control.
2. An individual for whom it has been determined appropriate to extend the time limit, particularly, but not limited to, cases in which it is necessary to protect the child from risk of neglect.
3. Individuals participating in education and training activities who have reached the end of their twelve (12) month cumulative limit on financial assistance, have complied with all TEA requirements and are within six (6) months of completing their current education or training program. However, the local office can make an exception and provide an extension to the six (6) months on a case-by-case basis.

The Program Eligibility Specialist may recommend an extension of the time limit based on the above criteria when a family is nearing the end of the time limit.

The decision as to whether an extension to the time limit should be granted is made at the local office level. There is no limit on the length or the number of extensions a participant can receive. An extension will be granted as soon as it is established but no later than thirty (30) days from the date it was claimed.

### **3220 Case Review at Three Months**

For those families in which the time limit count is at three (3) months, the Program Eligibility Specialist will review the case file to determine the work status of the participant. The Program Eligibility Specialist will complete form TEA-197, Case Management Staffing Documentation, and indicate whether or not the participant is making satisfactory progress toward the employment goal. If so, no further action is required at that time. If satisfactory progress is not evident, then the Program Eligibility Specialist will contact the participant to conduct an Employment Plan Update.

This review does not have to be a separate review from other regularly scheduled reviews or contacts the Program Eligibility Specialist may be conducting. The case record should be documented at these intervals to show that a time-limit review has occurred.



### **3230 Six--Month Review**

For participants whose time limit count is at six (6) months, the Program Eligibility Specialist will initiate a full review team case review and complete form TEA-197, Case Management Staffing Documentation. The Program Eligibility Specialist will first contact the participant and determine his or her current status, e.g., progressing satisfactorily or not, current health status, etc. The case review team then meets and reviews the participant's situation. On a case-by-case basis, the team may request the participation of the participant in this process.

The purpose of this local office review is to:

1. familiarize the review team with the participant's circumstances;
2. assess the progress already made toward the employment goal and how much further progress is needed;
3. assess barriers to employment which still exist and to determine what enhanced services could be provided to resolve those barriers; and
4. make a recommendation as to whether the participant should be given a six (6) month extension or be exempted from the time limit.

Following the review, the Program Eligibility Specialist will contact the participant if necessary to:

1. update the Employment Plan;
2. advise of other activities or services needed; and
3. advise of an extension (or exemption from) the time limit if approved.

The Program Eligibility Specialist will also have, at a minimum, monthly personal contact with the participant for the next four (4) months to monitor progress, resolve problems, etc.

This review does not have to be separate and apart from other similar case staffing. If a regularly scheduled staffing occurs at the six (6) month interval, it may serve as this review. The case record should be documented accordingly.

### **3240 Ten- Month Review**

If an extension or exemption was not allowed at the six (6) month review, the local office case review team will meet again to review the participant's current situation. The Program Eligibility Specialist will complete form TEA-197, Case Management Staffing Documentation, and indicate whether or not any progress that has been made, and to determine if an extension to the time limit should now be allowed. All factors will be taken into consideration at this time and each member will make a recommendation as to case closure or extension at the end of twelve (12) months.

This review does not have to be separate and apart from other similar case staffing. If a regularly scheduled staffing occurs at the ten (10) month interval, it may serve as this review. The case record should be documented accordingly.

## **3250 Extension Expires**

Near the end of the extension period, the same case review team process will occur before the case is closed. More frequent reviews may be made during the extension period at local office option.

## **3260 General Staffing Information**

As with cases that are reaching the State twelve (12) month time limit, an extensive staffing focusing on progress and activities that will best achieve employment by the time the participant reaches the time limit will be conducted on cases nearing the sixty (60) month time limit. Other individuals or agencies that have been involved with the participant will be invited to the staffing. If these participants are unable to attend the case staffing, the Program Eligibility Specialist will obtain information regarding their involvement and the participant's activities and progress by phone, email, etc. During the staffing, all information to be used to determine if a hardship extension is appropriate will be collected.

Cases in deferred status and not counted in the state count should be staffed at six (6) month intervals based on the federal count, as they are subject to the federal time limit. Therefore, these cases should be staffed every six (6) months in the same manner as the cases that are subject to the state count.

### **3260.1 Case Staffings at 42, 48, and 54 Months**

The report provided to the local office each month listing cases and the number of months a participant has received TEA will be used to identify the cases that have reached forty-two (42), forty-eight (48), fifty-four (54) and fifty-eight (58) months on the federal count. The local office will use the information in the report to schedule case staffing. Prior to scheduling a staffing, the Program Eligibility Specialist should ensure that the count on the report and on the TEPC screen is the correct count according to the information that is contained in the case record. If the count is not correct, the local office contacts the TANF Policy Unit to request a TEPC count correction.

Cases that reach the 42<sup>nd</sup> month due to being in deferred status will have subsequent staffing at forty-eight (48), fifty-four (54) and fifty-eight (58) months unless the circumstances change. If the circumstances are expected to change earlier, the staffing schedule can be adjusted accordingly. These case staffing will be completed in the same manner as the three (3), six (6), and ten (10) month staffing until the case reaches the 58<sup>th</sup> month. The decision to extend beyond the sixty (60) month time limit will be made following the 58<sup>th</sup> month case staffing. For the forty-two (42), forty-eight (48), fifty-four (54) month case staffing, the Program Eligibility Specialist will complete form TEA-196, Pre-Staffing Summary Report, prior to the staffing and form TEA-197, Case Management Staffing Documentation. Even though no extension decision will be made during these staffing, form TEA-198, Time Limit Case Review Checklist, will be completed for documentation.

Cases that reach the 42<sup>nd</sup> month due to being extended beyond the twelve (12) month time limit will also have subsequent staffing at forty-eight (48), fifty-four (54), and fifty-eight (58) months. The Program Eligibility Specialist will complete form TEA-196, Pre-Staffing Summary Report, prior to the staffing. The Program Eligibility Specialist will

Proposed

**Example 1** - (fifty-five (55) hour rule - neither parent deferred) One parent could be involved in forty (40) hours of work activities, while the second parent would only be required to participate fifteen (15) hours per week.

**Example 2:** (thirty-five (35) hour rule - neither parent is an individual with disabilities, but one (1) can be deferred). Both parents are job ready, but child care is needed. While the first parent is engaged in twenty (20) hours of employment, the second parent is at home providing child care. When the first parent isn't engaged in employment, he or she can take care of the children. The second parent may then share in the participation requirement by doing the remaining fifteen (15) hours of required work activities while the first parent is providing child care.

**Note:** A job ready person is defined as one who has no physical, mental or skill barriers that prevent employment. In addition, the individual has the educational background and experience to gain and maintain employment.

The minimum number of required hours may be in a single work activity or a combination of allowable activities.

### **3405 Work Participation Exemptions/Deferrals**

If a participant claims an inability to engage in work activities, the Program Eligibility Specialist will discuss the reasons why the participant believes he or she is unable to participate.

If a participant is exempt or deferred from work participation requirements:

1. The exemption or deferral will be granted as soon as it is established but no later than thirty (30) days from the date it is claimed.
2. The time limit will not count in the months he or she is exempt/deferred; and
3. The appropriate exempt/deferral reason will be applied (See the Resource Section for a list of codes).
4. The Program Eligibility Specialist will advise the participant that the deferred/exempt months do not count towards the twelve (12) month time limit.

#### **3405.1 Work Participation Exemptions**

The only persons who may be considered exempt, and therefore are not required to participate in work activities while exempt, are parents who are caring for a child:

- a. Under three (3) months of age; or
- b. Between three (3) and twelve (12) months of age if child care for such child is not available, as determined by the local office.

A parent may be exempted for the above reason for a maximum lifetime limit of twelve (12) months.

#### **3405.2 Work Participation Deferrals**

A participant will be temporarily deferred from participation any time he or she meets the criteria for one of the deferral situations listed below. While in deferred status, the participant may elect to participate in a work activity or another appropriate activity if he

or she voluntarily chooses to do so. Supportive services will be provided for the deferred individual who chooses to participate in a work activity.

1. An individual with disabilities (parent or caregiver) is any participant who alleges he or she is unable to engage in employment activities due to a short-term disability. A participant who alleges a long-term disability with an expected duration of six (6) months or longer is required to apply for Social Security or Supplemental Security Income (SSI) disability benefits. (See TEA policy 3405.4 for detailed information on medical disability verification.)
2. A woman in the third trimester of pregnancy.
3. A parent or caregiver who is caring for individuals with disabilities (child or adult relative) who are living in the home.

**Note:** If the family member will require care for an extended period of time, the Program Eligibility Specialist should explore other resources or available services (e.g., a home health aide) which would enable participation.

4. Supportive services necessary to engage in an activity are not available (e.g., child care, transportation). The local office will make the determination as to whether a particular supportive service is necessary for participation.
5. The person is unable to participate in work activities due directly to the effects of domestic violence.
6. The person is unable to participate due to circumstances beyond his or her control. This decision will be made at the local office level. Circumstances include, but are not limited to, natural disasters.
7. In two-parent families, one parent may be deferred from participation to care for the minor child(ren), when appropriate.
8. A parent or caregiver over sixty (60) years of age.

**Note:** Any month a participant is deferred or exempt from work participation activities will not count toward the state's twelve (12) month time limit. Also, there is no limit on the length or the number of deferrals a participant can receive, provided requirements are met. Therefore, an exempt/deferred individual automatically receives a month-for-month extension to the twelve (12) month time limit for each deferred/exempt month.

A review of the deferral will be made at least once a month by phone or mail.

### **3405.3 Verifying Deferral Reasons**

If a participant meets one of the deferral reasons, verify the reason for deferral and document the case record accordingly.

### **3415.2 Self-Employment**

Self-employment is defined as income generated from working for one's self rather than for others. The number of hours of self-employment counted towards participation is determined by calculating the participant's gross income, minus business expenses, divided by the Federal Minimum Wage.

Participants must provide documentation of verified gross income, minus business expenses. This includes copies of money orders, checks, and other forms of proof of income or expenditures.

Participants must provide bi-weekly verification.

**Example:** Ms. Jones, a single parent, states she is taking care of the neighbor's child while they are working. Ms. Jones claims she makes one hundred dollars (\$100.00) per week and has no expenses. The minimum wage during her time of employment is \$6.55/hour. To verify Ms. Jones' hourly participation, divide one hundred (\$100) by \$6.55. The total hours of participation would be fifteen (15). Therefore, Ms. Jones would need an additional work activity for the remaining fifteen (15) hours.

Types of bi-weekly verification needed to show participation include invoices, paystubs, and form TEA-97, Verification of Earnings.

### **3420 Subsidized Employment (Private and Public)**

The subsidized employment work activity is a core activity defined as employment for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wage and costs of employing a participant. It is also designed to provide trained participants with actual work experience. The person may be hired by a private or public sector employer. Employers are asked to hire participants in positions which would normally call for an employee with experience.

Subsidized Employment is limited to a maximum of six (6) months during a twelve (12) month period. However, the local office manager may approve extensions of up to ninety (90) days with appropriate justification and documentation. The level of participation in this activity must be at least the minimum number of hours per week as required in TEA policy 3401.1 with a maximum not to exceed forty (40) hours per week.

In situations in which a person with job skills has been unsuccessful in obtaining unsubsidized employment and the family is nearing the end of its time limit on cash assistance, subsidized employment may be appropriate. However, a participant may be engaged in subsidized employment at any time. While working in a subsidized job, a portion of the person's wages (up to half) may be paid by the TEA program.

A TEA participant in subsidized employment shall be eligible for the same benefits as a non-subsidized employee who performs similar work.

Prior to engaging a participant in a subsidized employment placement with a particular employer, the local office will develop a written contract with the employer.

Failure to be in compliance without good cause could result in imposition of the non-compliance sanction.

At worksites developed by the local office, up to half of the wages paid by the employer may be reimbursed by the TEA program. Local offices should use TEA-1437, On-the-Job Training Agreement, when setting up worksites. The signed agreement must be in place before the participant can engage in the OJT work activity. The participant will be required to verify hours of participation (Refer to TEA policy 2342).

Participation in the OJT work activity is limited to a maximum of six (6) months during a twelve (12) month period. The local office manager may approve a one (1) time extension of up to ninety (90) days for participation in OJT. The level of participation in this activity must be at least the minimum number of hours per week as specified with a maximum of forty (40) hours per week.

Upon completion of the OJT assignment, it is anticipated that the participant will be hired as a regular employee.

#### ***3425.1 On-The-Job Training (OJT) Worksite Development***

The local office will have responsibility for marketing and developing OJT worksites for the TEA program.

Local office staff will negotiate OJT/Employment agreements with employers in their area (i.e., city, county, multi-county). Private and public employers may be utilized when developing OJT agreements. Form TEA-1437, On-the-Job Training Agreement, will be used to outline the proposal.

In negotiating agreements, the local office will ensure that the employer understands that the purpose of the agreement is to:

1. provide an opportunity for TEA participants to obtain training and job supervision,
2. encourage their participation by providing a mechanism by which TEA participants become self-sufficient employees, and
3. provide employment to participants upon satisfactory completion of the On-the-Job Training.

The local office representative and employer will complete and sign the On-The-Job Training/Employment Agreement.

#### ***3425.2 Approval Process/Procedures for OJT/Employment Agreements***

Once the TEA-1437 On-The-Job Training Agreement has been negotiated, it will be submitted to the local office manager for approval. The local office manager will review and make a decision within three (3) working days.

The local office will monitor the participation at the OJT employment site through contact with the Training Supervisor. This contact will be conducted at least once each month either by telephone or in person.

### **3665 ESS Medicaid**

In certain situations, a family who becomes ineligible for TEA benefits due to employment may receive up to one year of extended Medicaid coverage (Refer to DHS Medical Services Policy 2061).

### **3670 Employment Bonus**

TEA cases which close due to employment (by agency determination or participant request) or have reached the time limit and the individual is employed will be eligible to receive an Employment Bonus payment, unless the family has already received an Employment Bonus within the preceding twelve (12) months. The purpose of the payment is to help the employed participant meet work-related expenses during the first full month of employment following the termination of regular cash assistance to better enable him or her to retain the job.

The amount of the bonus payment will be equal to the amount of the last regular TEA cash payment and it will **not** count toward the participant's twelve (12) month time limit.

When a case is closed for payment with one of the Action Reasons specific to the Employment Bonus, the system will automatically issue the bonus payment to the family in the month following the effective month of closure. If a system generated notice of closure is not sent, the local office should include the information regarding the Employment Bonus in their manual notice of closure so that the participant will know its purpose and be expecting it. (The system generated closure notice for an Employment Bonus closure code will include that information.)

Only one Employment Bonus may be authorized to a participant within a preceding twelve (12) calendar month period. Therefore, if a participant who received an Employment Bonus returns to TEA cash assistance, such participant cannot receive another Employment Bonus for at least twelve (12) months even if the case closes due to employment before then.

**Example:** Ms. Jones started to work in January 2008 and requested her case be closed due to her new employment effective February 2008. Her case was closed in ANSWER in January 2008 with an Employment Bonus Action Reason. The bonus payment was issued to Ms. Jones in February 2008. In November 2008 Ms. Jones loses her job, reapplies for TEA cash assistance, and is recertified in December 2008. She finds another job in January 2009 and again her case is closed due to employment effective for February 2009. However, she cannot receive an Employment Bonus this February 2009 because she received one within the twelve months preceding this month (i.e., the prior February of 2008).

### **3675 Transportation Bonus**

TEA cases which close due to employment (by agency determination or at participant request) or have reached the time limit and the participant is employed will automatically



be eligible to receive one (1) month of Extended Support Transportation bonus. The payment will assist the participant in meeting transportation expenses.

The Extended Support Transportation bonus will be in the amount of two hundred (\$200) and will not count toward either the state or federal time limit.

When a case is closed due to earnings, the Program Eligibility Specialist will use the closure codes specific to allowing this Extended Support Service. Verification of earnings is not required. The system will automatically issue to the participant's EBT account the first month of Extended Transportation benefit in the month following the month of case closure. There is no limit to the number of times an individual may receive the extended support service transportation bonus.

### **3675.1 Extended Support Services Employment Bonus and Transportation Examples**

The following are situations in which ESS employment bonus and/or transportation assistance will be authorized.

**Note:** A system edit will prevent more than one Employment Bonus from being issued in any twelve (12) month period.

1. Ms. Manning reported that she found a job and requested her TEA case be closed. The participant's statement that she is employed may be accepted without verification.
2. An anonymous telephone call is received in the local office reporting that Ms. Smith is working. A ten (10) day notice is sent to Ms. Smith requesting that she contact the local office concerning the report. Ms. Smith calls the local office and states that she is working and no longer wants TEA benefits. Ms. Smith's case will be closed, and the ESS transportation bonus will be authorized.
3. Ms. Davis reported that she was employed. Based on her earnings, she was no longer eligible for TEA cash assistance. The TEA case was closed, and the ESS Employment transportation bonus was authorized.
4. Ms. Long is in her twelfth (12<sup>th</sup>) month of TEA cash assistance. After her ten (10) month case staffing, it was determined that her time limit will not be extended. Ms. Long is working, but her earnings are not enough to cause ineligibility. Because she has earnings when her TEA case is closed, she is eligible for the ESS Employment Bonus and Transportation assistance.

In the following **example**, an ESS Employment Bonus and Transportation assistance will **not** be authorized.

**Example:** A telephone call was received in the local office reporting that Mr. Jones was employed. A ten (10) day notice was sent to Mr. Jones to contact the local office concerning the report. Mr. Jones did not contact the local office. The TEA case was closed for failure to respond to the notice. Even though this was a report of employment, the ESS Employment Bonus and Transportation assistance will not be authorized because Mr. Jones did not confirm that he was employed.

### 3680 Extended Support Services Job Retention

Those participants who become ineligible for continued TEA cash assistance benefits due to employment may receive, during the twelve (12) month period following case closure, cash payments for the purpose of enabling the participant to retain his or her job. The participant must show that there is an immediate job-related need which, if not resolved, will result in the termination of his or her job. In addition, there must be no other local resources available to meet the need. All ESS Job Retention services must be pre- approved.

The amount of the payment will be the actual amount needed to resolve the job-related need. If the payment exceeds two hundred (\$200), the local office manager must submit written justification prior to keying to WISE. To do so, the local office manager must complete a written justification and email or fax to the TANF Policy Unit.

The Extended Support Services Job Retention Payment will not count toward the participant's maximum twelve (12) month limit.

The following are examples of situations in which a former participant would need assistance in retaining a job:

**Example:** Ms. Smith started to work in July 1998 and her TEA case closed in December. Ms. Smith is still employed in February 1999. However, her car has broken down and is in need of repairs in order for her to continue to work. All other resources have been exhausted and her case closed within the prior twelve months. In this instance, Ms. Smith may receive an Extended Support Service Job Retention payment to repair her car.

**Example:** Mr. Jones has been employed since March and his TEA case closed in September. Mr. Jones has not received any assistance for the past eleven months. In order for this former participant to remain employed, he must purchase a special type of uniform. Mr. Jones states that after his expenses are met, he has very little, or nothing left over for extras. All other local resources have been exhausted. In this instance, Mr. Jones may be paid an Extended Support Service Job Retention payment to purchase the special uniform.

Although more than one job retention payment may be made during the twelve (12) month period, Program Eligibility Specialists should be alert to situations in which a participant requests multiple payments throughout the year. Job retention payments should not become a substitute for regular cash assistance payments or be viewed as an additional year of cash assistance.

Prior to authorizing any job retention payment, it must be clearly established that a job-related need exists and that failure to meet that need will most likely result in the participant's job being terminated. In addition, job retention payments may not be used to provide on-going assistance with basic needs such as rent or utilities since that type of assistance must be counted for purposes of the time limit.

## **3800 Employment Services - Non-Compliance**

The purpose of the non-compliance process is to encourage the participant to comply with the work activity requirement. It is expected this process will assist the participant in successfully reaching the goal of full-time employment while safeguarding the health and well-being of the children.

### **3800.1 Defining Failure to Comply**

Failure to comply occurs when a person who is required to participate in the program:

1. fails to participate in a work activity;
2. refuses to accept employment;
3. terminates employment without good cause; or
4. otherwise fails to comply with his or her Employment Plan;

### **3800.2 Good Cause**

The non-compliance process will be stopped if the participant demonstrates that he or she had good cause for not complying. The determination of good cause is a local office decision.

Good cause for failure to comply will be found to exist if:

1. The participant is the parent or other relative personally providing care for a child under age six (6) years and child care is not available.
2. Child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for a participant to engage in a work requirement or continue in the program or to accept employment and such care is not available.
3. Transportation is unavailable.
4. The working conditions would be a risk to the participant's health or safety.
5. The worksite is only available because of a labor dispute.
6. The participant was subject to discriminatory practices based on age, sex, race, religion, disability, political affiliation, veteran status, color, or national origin.
7. The offer of employment is not a specific job at a stated wage, which meets the Federal minimum wage.
8. The failure to participate was due to events beyond the participant's control, which include, but are not limited to: inclement weather, family emergency, natural disaster, a short-term illness which temporarily prevents employment, or mail loss.

### **3800.3 Determining Good Cause**

Once failure to comply with TEA work requirements has been established, the Program Eligibility Specialist will:

1. Contact the participant 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. This contact should be in writing (i.e., TEA-1). If the contact is made by phone or face-to-face, the case record must be documented accordingly. The Program Eligibility Specialist should provide the participant, at a minimum, the following information:

- a. The specific act of non-compliance;
- b. A reasonable time (e.g., ten (10) days if contacting the participant by mail) to establish good cause prior to applying the sanction.
- c. If the sanction is imposed, it will result in the cash assistance payment being suspended, reduced, or terminated.

**Note:** Suspended is defined as a period in which the family's financial assistance shall be held pending compliance. After which the family's assistance may be reduced, lost and/or paid at the regular grant amount.

- d. That the sanction months in which benefits are received will continue to count toward the individual's twelve (12) month time limit.
2. Make a determination as to whether or not a good cause exists.
    - a. If the participant contacts the local office and good cause is determined to exist, then all non-compliance procedures will stop, and the participant will be rescheduled for an appropriate activity.

**Note:** Any time a participant meets a deferral reason, the non-compliance process will be stopped.

- b. If good cause does not exist but the participant states a willingness to cooperate, the participant will be required to engage in an appropriate activity for a period of two (2) weeks. If the participant does not satisfactorily complete the two (2) weeks of participation, then the non-compliance sanction process will proceed.

**Note:** If the Program Eligibility Specialist becomes aware that the participant had good cause for failing to complete the two weeks of participation, consideration of that will be given. However, it is not necessary to formally provide the person with an opportunity to show he or she had good cause in this situation.

3. In the event good cause is not established and the participant does not state a willingness to cooperate, the cash assistance payment will be suspended, reduced or terminated in accordance with the Non-Compliance Sanction (Refer to TEA policy 3800).
4. An adequate notice, Form TEA-1421, Notice of Work Activity Non-Compliance Sanction will be sent to the participant advising that a sanction is being imposed.

### **3805 Non-Compliance Sanction**

An act of non-compliance opens the initial sanction process. The sanction process is as follows:

1. TEA benefits will be suspended for one (1) month.
2. If the participant fails to comply after the benefits have been suspended, the suspended payment will be lost.

2. Complete a new budget to determine the family's continuing eligibility and payment amount.
3. Give advance notice (system generated or DCO-1), if necessary. If advance notice is not necessary, notify the participant that the action has been taken via DCO-1 if a system generated notice is not sent.
4. Complete the DCO-56 for keying to the ACES system.

#### **4134 Marriage of the TEA Parent**

When a TEA participant reports a marriage, the worker will:

1. Require an application to add the new spouse to the unit unless the spouse is an SSI participant.
2. Determine if the person married is employed or has any other income or resource.
3. If the family remains eligible, determine the person's work participation requirements and advise the family of such requirements if appropriate.
4. Record all pertinent information in the case narrative.
5. Complete a new budget.
6. Complete DCO-56 changing name of payee and grant amount, if necessary.
7. Allow the participant an opportunity to complete a Voter Registration Application so that he or she can report an address or name change to the county clerk's office if he or she so chooses (Refer to Appendix V).
8. In situations in which a system notice is not generated, notify the participant by DCO-1, if appropriate.

#### **4148 Appeal Rights**

If the decision is to close the case at the end of twelve (12) months and not allow an extension, the participant has the right to appeal that decision through the Appeals and Hearings office. However, benefits will not be continued pending the hearing decision after the twelfth (12<sup>th</sup>) month. Retroactive payment may be made if the hearing decision overturns the case closure decision.

#### **4200 Non-Eligibility Changes**

##### **4210 Change of Address**

The participant is responsible for notifying the County Office within ten (10) days of any change of address. It is important that the participant be advised of his/her responsibility to report any change of address within ten (10) days to ensure that the participant will receive appointments, notices, etc. in a timely manner. It is also important that any change of address reported be processed promptly by the County Office.

##### **4210.1 To change an Address**

1. Record all pertinent information in the case record.
2. Key the change to the automated system.

## 10000 ARKANSAS WORK PAYS

Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. Provided they meet Work Pays eligibility requirements, families participating in Arkansas Work Pays will receive: a monthly cash assistance payment in the amount of two hundred and four dollars (\$204) for up to twelve (12) months, case management, supportive services, and job retention and advancement services. The twelve (12) months will count toward the federal sixty (60) month time limit but not the state's TEA - month limit. If the participant reaches sixty (60) months while participating in Work Pays, an automatic extension will be given to the sixty (60) month time limit. This work incentive program may be limited to three thousand (3,000) families.

The worker will explain the Work Pays program to the applicant and provide a Work Pays pamphlet during the initial interview for TEA cash assistance. The Program Eligibility Specialist will discuss the Work Pays program with the participant during ongoing case management activities. When the TEA case closes due to employment, the participant will receive additional information about Work Pays, including a Work Pays application.

### 10100 Work Pays Eligibility Requirements

A participant must meet the following requirements:

1. Be employed at least thirty (30) days prior to the date of the Work Pays application;
2. Have care and custody of a related minor child, including family cap child (TEA Policy 2150.1) and child receiving SSI;
3. Be a resident of the State of Arkansas;
4. Meet the citizenship or alienage requirement (Refer to TEA policy 2220);
5. Apply for Work Pays within six (6) months of TEA case closure;
6. Received TEA cash assistance for at least three (3) months, including months of deferral. (These months do not have to be consecutive. Months from other states do not count);
7. Have not received more than twelve (12) months of Arkansas Work Pays Program Benefits;
8. Meet Work Hours Requirement:
  - a) For initial eligibility - Was engaged in paid work activities for a minimum of twenty-four (24) hours per week and met the federal participation rate for the past month.
  - b) For on-going eligibility – must be in paid work activities for a minimum of twenty-four (24) hours per week and meet the federal participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months;
9. Have income below 150% of the federal poverty level for the family size, including SSI and Family Cap Children (SSI and family cap children are counted in the household size **when determining FPL**, even if they are not part of the budget unit.)

**Note:** Stepparents with no child in common are NOT part of the Work Pay budget unit. Therefore, the income of the stepparent is disregarded.

10. Comply with the Work Pays Personal Responsibility Agreement;

11. Comply with Office of Child Support Enforcement (OCSE) requirements, including assignment of support and cooperation in establishing paternity and/or support unless good cause exists; and
12. Comply with drug screening and testing requirements.

**Note:** If a participant has reached or exceeded the sixty (60) month federal time limit when the participant applies (or reapplies) for Work Pays, the application will be denied.

### **10101 Work Pays Application Process**

For participants interested in applying for Work Pays, the application must be completed and submitted via mail, email, or fax to DHS for initial eligibility determination. The Work Pays applicant must sign the application. If it is a two (2) parent household, both parents must sign the form.

In accordance with Arkansas Act 1205 of 2015, drug screenings of applicants and recipients will be conducted as a part of the application process – during initial eligibility determination and during reevaluation (redetermination).

### **10102 Determining Initial Eligibility**

#### ***10102.1 Employed 30 Days Prior to Application Date***

For initial eligibility, the Program Eligibility Specialist will review the application to determine if the participant was employed at least thirty (30) days **prior to** the application date. If the participant was not employed at least thirty (30) days prior to the application date, no initial interview will be scheduled. The application will be denied, and a TEA-1 will be sent as an adequate notice of the denial. No good cause will be given for not meeting initial eligibility. (See TEA policies 4050 and 4051 for more information on adequate notices).

**Example:** An applicant submitted an application dated October 15<sup>th</sup>. On the application, the applicant indicated employment began on September 16<sup>th</sup>. Because the applicant was only employed twenty-nine (29) days, the application is denied.

#### ***10102.2 Automated System Review***

If the participant was employed thirty (30) days prior to the application date, the Program Eligibility Specialist will review the following information in the automated system to further determine if the participant meets initial eligibility. (Refer to Policy 10100).

The participant:

- Must have care and custody of a related minor child (including family cap child and child receiving SSI);
- Must meet the citizenship of alienage requirement;
- Must apply for Work Pays within six (6) months of TEA case closure (unless the previous Work Pays case closed due to insufficient hours);
- Must have received at least three (3) months of TEA cash assistance, including deferral and exemption months. (This includes TEA cases that close due to reaching

- the time limit or have been extended and earnings are included.); and
- Must not have received more than twelve (12) months of Work Pays.

Proposed



If the requested information is submitted within ten (10) calendar days, the Program Eligibility Specialist will key the actual hours into the automated system and select the full payment indicator.

If the requested information is not submitted within ten (10) calendar days, the Program Eligibility Specialist will key the actual hours into the automated system and select the sanctioned payment indicator. (Refer to Work Pays policy 10700 for non-compliance requirements).

### **10600 Work Pays Bonus**

As an incentive to participants to retain their jobs, each Work Pays participant may receive pre-set bonus payments after meeting certain job retention targets. To be eligible for the bonuses, the participant must have met the federal work participation rate requirement in each of the preceding months according to the bonus schedule below. All bonus payments will be made through the participants' EBT card but not counted as cash assistance. Bonuses will be keyed after the monthly cash assistance payment has been released.

The Program Eligibility Specialist will assess prior work participation and select the indicator in the automated system to trigger the appropriate bonus payment. The bonus payment indicator should be marked at the same time as the work participation is entered each month. (See Work Pays policy 10504 for information on keying work participation hours.)

**Note:** Good cause months are classified as non-compliance and must be considered when determining if a participant is eligible for a bonus.

If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays policy 10800 for the eligibility criteria for re-entry to the Work Pays program.)

#### ***10600.1 Bonus 1: Three (3) Months Job Retention Target***

Participants that meet the work participation requirements for three (3) consecutive months will receive a bonus in the amount of four hundred dollars (\$400.00).

#### ***10600.2 Bonus 2: Additional Six (6) Months Job Retention Target***

Participants that meet the work participation requirements for an additional six (6) consecutive months not including the initial three (3) months in bonus one (1) above will receive a job retention bonus in the amount of six hundred dollars (\$600).

#### ***10600.3 Bonus 3: Twelve (12) Months Job Retention Target***

Upon closure of the Work Pays case due to time limits, participants that have met the work participation requirements for twelve (12) out of twelve (12) months will receive an exit bonus in the amount of eight hundred dollars (\$800).

#### **10600.4 Earnings' Bonus: Case Closure Due to Earnings**

The Work Pays participant may receive an earnings' bonus of \$1,200.00 anytime within the twelve (12) month case time limit if their income exceeds 150% of the Federal Poverty Level (FPL) for their family size. The Program Eligibility Specialist will notify the supervisor if it appears that earnings exceed FPL. The supervisor will review the documentation and determine eligibility for the bonus. If it is determined that earnings exceed FPL, the Program Eligibility Specialist will send a ten (10) calendar day advance notice of closure to the participant (TEA-1). Once the notice expires, the Program Eligibility Specialist will close the case. After case closure, the supervisor will authorize the bonus to be issued.

**Note:** Temporary fluctuations such as overtime, seasonal bonuses, etc. will not be considered when determining eligibility for the earnings bonus. (See Work Pays policy 10300 for more information on FPL calculations).

#### **10700 Non-Compliance**

Non-compliance occurs when a person who is required to participate in certain activities fails to do so. Below are two reasons that a Work Pays participant's case may be deemed in non-compliance. The participant:

1. fails to comply with the assigned work requirement; and/or
2. refuses to cooperate with the Child Support Enforcement

#### **10710 Compliance with Child Support Enforcement**

The participant will be required to comply with the Office of Child Support Enforcement. Failure to comply without good cause will result in a 25% sanction being imposed. This sanction is an automatic system generated sanction and requires no action on the part of the Program Eligibility Specialist.

#### **10720 Good Cause for Work Non-Compliance**

The sanction process will not be applied if the person demonstrates that he or she had good cause for not complying. The determination of good cause is a decision made by each local office. For acceptable good cause reasons, refer to TEA policy 3800.2.

**Note:** Good cause months are classified as non-compliance and could result in case closure when determining if a participant has failed to comply for three (3) consecutive months or failed to comply for at least three (3) months out of the past six (6) months.

#### **10730 Determining Good Cause for Work Non-Compliance**

Once failure to comply with Work Pays requirements has been established, the following procedures will be followed:

1. Contact the participant to give him/her the opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact will be in writing. If the initial contact is made by phone or face-to-face, the TEA-1 must be mailed as a ten (10) calendar day advance notice, and the case record

must be documented accordingly. The Program Eligibility Specialist will provide the participant, at a minimum, the following information:

- a. The specific act of non-compliance;
  - b. A reasonable time to establish good cause prior to applying the sanction;
  - c. That if the sanction is imposed, it will result in the Work Pays payment being reduced;
  - d. That the sanction months in which benefits are received will continue to count toward the participant's twelve (12) month time limit; and
  - e. A specific date and time for a home visit – to be conducted before the notice expires.
2. If the participant contacts the local office and good cause is determined to exist, then a good cause payment will be authorized.
  3. In the event good cause is not established and the participant does not cooperate, the cash assistance payment will be reduced or cancelled, if appropriate.

### **10740 Non-Compliance Sanction**

If on the 5<sup>th</sup> workday of the month, verification of hours has not been received, a ten (10) calendar day advance notice (TEA-1) will be sent on the 6<sup>th</sup> workday of the month requesting documentation. If the documentation is not received within the ten (10) calendar days provided in the sanction notice (and good cause is not established), either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed. (Refer to Work Pays policy 10504 for more information on applying the sanction.)

If a participant does not comply with both the work requirement and the Office of Child Support Enforcement, the sanction applied will not exceed 50%.

If the participant fails to meet the participation requirements, then the participant will be sanctioned. Either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed.

Home visits will be required on Work Pays cases when an act of non-compliance occurs (i.e., each month of non-compliance).

### **10750 Lifting the Sanction**

If the participant fully participates in the next month following a sanctioned payment, the Program Eligibility Specialist will authorize a full payment.

If the payment was reduced due to an OCSE sanction, the participant must fully cooperate with OCSE before full payment can be authorized. The OCSE sanction will be lifted upon receipt of OCSE documentation verifying cooperation.

## **10000 Arkansas Work Pays**

### **10101 Work Pays Application Process**

## **10000 Arkansas Work Pays**

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Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. Families participating in Arkansas Work Pays will receive a monthly cash assistance payment in the amount of \$204 for up to 24 months, provided they meet the Work Pays eligibility requirements. The twenty-four (24) months will count toward the federal 60 month time limit but not the state's TEA 24 month limit. This work incentive program may be limited to 3,000 families.

The eligibility worker will explain the Work Pays program to the applicant and provide a Work Pays pamphlet during the initial interview for TEA cash assistance. The DWS Workforce Specialist will discuss the Work Pays program with the participant during ongoing case management activities. When the TEA case closes due to employment, the participant will receive additional information about Work Pays, including a Work Pays application.

**10100 Work Pays Eligibility Requirements**

**10101 Work Pays Application Process**

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**10100 Work Pays Eligibility Requirements**

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A participant must meet the following requirements:

1. Have care and custody of a related minor child;
2. Be a resident of the State of Arkansas;
3. Meet the citizenship or alienage requirement (Refer to [TEA policy 2220](#));
4. Apply for Work Pays within six (6) months of TEA case closure;
5. Received TEA cash assistance for at least three (3) months;
6. Have not received more that twenty four (24) months of Arkansas Work Pays Program Benefits.
7. Meet Work Hours Requirement:
  - a. For initial eligibility — Was engaged in paid work activities for a minimum of twenty four hours per week for the past month and meet the federal participation rate.
  - b. For on-going eligibility — must be in paid work activities for a minimum of twenty four (24) hours per week and meet the federal participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months.
8. Have income below 150% of the federal poverty level for the family size, including SSI and Family Cap Children;
9. Comply with the Work Pays Personal Responsibility Agreement;
10. Comply with Office of Child Support Enforcement (OCSE) requirements, including assignment of support and cooperation in establishing paternity and/or support unless good cause exists.

**10101 Work Pays Application Process**

Each month a Work Pays application will be mailed to all TEA participants whose case closed the prior month due to employment. This process will be completed by Central Office through a mass mailing process. For participants interested in applying for Work Pays, the application must

**10100 Work Pays Eligibility Requirements**

be completed and mailed to the Work Pays Processing Unit who will determine initial eligibility. Applications received at a local DHS or DWS office will be forwarded to the processing unit upon receipt. The Work Pays applicant must sign the application. If it is a two-parent household, both parents must sign the form.

**10102 Determining Initial Eligibility**

**10102 Determining Initial Eligibility**

In determining initial eligibility for Work Pays, the participant's declaration of earnings for the 30-day period prior to the date of application will be accepted. Once the case is approved the DWS Workforce Specialist must verify the income for the same period.

**EXAMPLE:** A participant who meets all the eligibility requirements applies on April 7<sup>th</sup>. The DWS Workforce Specialist will verify the income for the period March 8<sup>th</sup> through April 6<sup>th</sup>, which is the 30-day period prior to the date of application.

The DWS Workforce Specialist will verify that the information provided by the participant during the application process is correct by reviewing work hours documentation. For initial eligibility, the participant will provide verification that he/she was employed 30 days prior to application date. If the participant was not employed 30 days prior to the application date, the application will be denied. No good cause will be given for not meeting initial eligibility.

**10102.1 Prior TEA Receipt**

The participant must have received at least 3 months of TEA cash assistance and the case closed within the past 6 months. This includes cases that close due to reaching the time limit or have been extended and earnings are included. The 3 months do not have to be consecutive. (See example below)

**EXAMPLE 1:** Ms. Davis applied for Work Pays in September 2006. Her TEA case closed in April 2006 after receiving assistance for 9 months. The participant provided verification of employment with Entergy working 40 hours per week at \$6.00 per hour. Ms. Davis met all eligibility requirements; therefore, her application is approved.

**EXAMPLE 2:** Ms. Wilson applied for Work Pays in July 2006. Her TEA case closed in June after receiving assistance for 2 months. These were the only months she received TEA. She is employed 35 hours per week. Since she did not receive TEA for at least 3 months, her application is denied.

**10100 Work Pays Eligibility Requirements**

**10102.2 Income**

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size (See [Appendix B](#)). The income of the child(ren) is disregarded. (Refer to [TEA policy 2331](#) for unearned income to disregard.) For initial eligibility, self declaration of income can be accepted. However, if it is determined after approval that the participant did not meet the income/hours requirement, the case will be closed. This

**10102 Determining Initial Eligibility**

determination will be made by the DWS Workforce Specialist upon receipt of initial work documentation from the participant.

**10102.3 Work Hours Requirement**

The participant must be employed at least twenty four (24) hours per week. If less than 30, he/she must be engaged in another countable work activity that when combined with the work hours will meet the federal TANF work requirement for the family. The participant's declaration of the hours worked can be accepted. If the hour requirement is met, the application may be approved if all other Work Pays requirements are met. Acceptance of the self-declaration will be documented in the ANSWER system. If it is determined after approval that the participant does not meet the work hour requirement, the Work Pays case will be closed (See examples below).

**EXAMPLE 1:** Ms. Adams applies for Work Pays on July 1, 2006. It has been verified that she has been employed since May 2006. She works 30 hours per week. Ms. Adams meets the 24 hours per week work requirement and the Federal Participation requirement. If otherwise eligible, the application may be approved.

**EXAMPLE 2:** Mr. Thomas applied for Work Pays on July 7, 2006. He declares that he has been employed since March 2006 working 24 hours per week and is attending VoTech at night. He is taking a three (3) hour course in management and will graduate December 2006. He received TEA cash assistance for 8 months prior to starting Vo Tech. His TEA case closed in April. The work requirement is met. The 3 hours of class along with the 3 hours of allowable study time brings his total countable hours to 30 per week which meets the federal work requirement for his situation. If otherwise eligible, the application may be approved.

## 10100 Work Pays Eligibility Requirements

### EXAMPLE 3:

Ms. Harris applied for Work Pays on October 15, 2006. She declares that she is employed at Wal-Mart working 30 hours a week at \$6.00 per hour. She meets all other eligibility requirements and her case is approved based on her declaration of income and hours. However, it is determined after approval that she is only working 25 hours per week. Even though she was working 24 hours per week, she did not meet the federal participation requirement of 30 hours in October. Therefore, her Work Pays case is closed.

The participant must be in a **paid** work activity at least 24 hours per week and meet the weekly federal participation requirement in one of the past three months and three of the past six months. The federal participation requirement is as follows:

- 24 hrs per week for a single-parent household with a child under the age of 6;

### 10103 Application Disposal

- 30 hrs per week for a single-parent
- 35 hrs per week for a two-parent household not receiving federally funded child care;
- and 55 hours per week for a two-parent household receiving federally funded child care.

### 10102.4 Resources

The family's resources are totally disregarded.

### 10103 Application Disposal

The Work Pays Processing Unit will dispose of the application for Work Pays by either approval or denial within 30 days from the date of application.

### 10104 Referral for Case Management Services and Payment Authorization

Upon approval of the application, a referral will be sent by the Work Pays Eligibility Worker via a task through ANSWER to the Work Pays Service Manager for payment authorization and case management services.

### 10105 Reevaluation

All Work Pays cases will be re-evaluated by the central processing unit every 6 months to determine continued eligibility. The following criteria must be met:



**10100 Work Pays Eligibility Requirements**

- ~~There must be an eligible child in the home.~~
- ~~The participant's gross earned income plus other countable income must be below the 150% Federal Poverty Level for the family size.~~

**10106 Case Closure**

~~A Work Pays case will be closed if the participant fails to meet the general eligibility requirements including but not limited to one of the reasons listed below. The DWS Workforce Specialist will notify the Work Pays Eligibility Worker if a change in eligibility occurs between reevaluations. The Work Pays Eligibility Worker will process the case closure.~~

- ~~1. Participant failed to meet the work requirement for three (3) continuous months;~~
- ~~2. Participant failed to meet the work participation hours for at least three (3) of the past six (6) months;~~
- ~~3. No eligible child in the home;~~
- ~~4. Unable to locate;~~

**10100 Work Pays Eligibility Requirements**

**10106 Case Closure**

5. ~~No longer a resident of the state;~~
6. ~~Income exceeds 150% Federal Poverty Level for family size~~
7. ~~Participant requested case closure~~
8. ~~Participant failed to meet work hour requirement after verification of self-declared income.~~

REPEAL

**10300 Work Verification**

**10200 Work Pays On-Going Case Management**

**10220 Time Limits**

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**10200 Work Pays On-Going Case Management**

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Case management is the process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency. Case management will provide the participant with sufficient information on what to expect regarding changes and challenges in the world of work. The DWS Workforce Specialist will serve as a point of contact for participants and a point of accountability for the agency. The DWS Workforce Specialist has the overall responsibility for working with the participant from initial interview until case closure.

Case management services will be provided as long as the participant is Work Pays eligible, or up to 12 months after the Work Pays case has been terminated due to earnings in excess of the federal poverty level.

**10220 Time Limits**

The Arkansas Work Pays Program allows former TEA participants to receive a cash assistance payment in the amount of \$204 per month for up to 24 months and receive case management, supportive services, and job retention and advancement services, provided they meet eligibility requirements. The twenty-four (24) months will count towards the federal 60-month time limit but will not count towards the State's TEA 24-month time limit. If the participant reaches 60 months while participating in Work Pays, an automatic extension will be given to the 60-month limit. This work incentive program may be limited to 3,000 participants.

**10230 Assignment of Referral**

Upon approval of a Work Pays application a referral task is created in the ANSWER System from the Work Pays Processing Unit to the Works Pays Service Manager.

**10230.1 Assignment of Task**

- 1.—A task will be assigned to the Works Pays Service Manager on the Work Pays Service Management Tab in ANSWER.
- 2.—The Works Pays Service Manager will assign the task to the appropriate DWS Workforce Specialist's To Do List in ANSWER.
- 3.—The DWS Workforce Specialist will send a notice to the participant, which contains updated agency information, an explanation of verifiable allowable documentation

needed, and a request for an initial interview to be conducted no later than 2 days from the date of Work Pays approval.

### 10230 Assignment of Referral

## 10300 Work Verification

During the initial interview, which may be conducted by telephone, the DWS Workforce Specialist will present an overview of the program, gather information, and advise the participant of what and when information is needed.



**NOTE:** The Federal Poverty Levels in [Appendix B](#) are updated annually.

If the participant was in a paid work activity for at least 24 hours and met the federal participation rate, then a payment will be authorized. (See Work Pays policy [TEA 10504](#) for the payment process.)

If the information received is not accurate and would affect the participant's eligibility status; the Work Pays Processing Unit should be notified immediately.

The participant must provide verification of work hours or pay stubs for each week of every month. The verification can be provided by fax, mail, scan & email, or in person. The agency will accept verification of earnings from the employer, check stubs, payroll printout, etc.

The participant must be in a paid work activity at least 24 hours per week and meet the weekly federal participation requirement in one of the past three months and three of the past six months. The federal participation requirement is as follows:

- 24 hrs per week for a single parent household with a child under the age of 6;
- 30 hrs per week for a single parent
- 35 hrs per week for a two-parent household not receiving federally funded child care;
- and 55 hours per week for a two-parent household receiving federally funded child care.

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size (See [Appendix B](#)). The income of the child(ren) is disregarded. (Refer to [TEA policy 2331](#) for unearned income to disregard.) For initial eligibility, self declaration of income can be accepted. However, if it is determined after approval that the participant did not meet the income/hours requirement, the case will be closed. This determination will be

**10300 Work Verification**

made by the DWS Workforce Specialist upon receipt of initial work documentation from the participant.

The DWS Workforce Specialist will encourage the participant to engage in a paid work activity equal to the federal work activity requirement, if possible.

If the participant is only capable of engaging in a paid work activity for 24 hours a week, the DWS Workforce Specialist will assess previous work activities that the participants was engaged

REPEAL

**10300 Work Verification**

**10310 Career Advancement Plan**

in their TEA case to determine what work activities are allowable in the Work Pays case and the number of hours the participant can participate.

This evaluation is necessary due to federal limitations on certain work activities. The DWS Workforce Specialist will discuss allowable work activities with the participant and assign the participant to additional work activities needed to meet the weekly federal work participation requirement.

The DWS Workforce Specialist must enter all work activity hours into ANSWER. If the participant fails to follow through on a required activity then immediate contact is required.



**NOTE:** The DWS Workforce Specialist should review the work documentation each month to determine if a task should be sent to the Work Pays Processing Unit to update the budget.

An update to the budget is only necessary if there has been a substantial change in income. A substantial change is one in which the new wage is equal to or exceeds 150% of the current Federal Poverty Level for the family size.

If the participant becomes unemployed while in the Work Pays program, the Work Pays DWS Workforce Specialist should assist the participant to expeditiously find a new job. The participant should be referred to all available resources in the workforce development system that will assist them in becoming employed.

**10310 Career Advancement Plan**

Participants may need assistance increasing incomes while on a job. The participant may also need assistance learning the skills and behaviors to be a valued worker. The DWS Workforce Specialist will work with the participant to create a Career Advancement Plan. The plan will concentrate on: job retention, getting promoted, earning a pay raise, increasing hours, and acquisition of benefits. The plan will be used and modified during the entire time the participant receives Work Pays benefits.

An in-person meeting with the participant should be scheduled no later than two (2) calendar days after approval of the Work Pays Case to develop the Career Advancement Plan. The Career

## **10300 Work Verification**

Advancement Plan interview will be conducted at a time and location agreed upon by the participant and the DWS Workforce Specialist. The DWS Workforce Specialist must have biweekly contact with the participant. The DWS Workforce Specialist will secure contact information from the participant.

## **10320 Allowable Work Activities**

### **10320 Allowable Work Activities**

For a description and additional information about the allowable work activities, refer to [TEA policy 3410](#).

#### **10320.1 Paid Work Activities:**

- Unsubsidized Employment
- On-the-Job Training



**NOTE:** In Work Pays, subsidized employment and On-the-Job Training are not allowable work activities if subsidized with TEA funds.

#### **10320.2 Unpaid Work Activities:**

- Career and Technical Education
- Job Skills Training
- Work Experience Training
- Job Search and Job Readiness Assistance
- Community Service
- Education Directly Related to Employment
- Attendance at Secondary School
- Providing Child Care Services for Participant in Community Service

## **10400 Job Retention and Advancement**

### **10430 Supportive Services**

## 10400 Job Retention and Advancement

The Work Pays program focuses on post-employment services that are designed to provide job retention and advancement for employed post-Transitional Employment Assistance (TEA) participants. Post-Employment services are an essential tool in preventing participants from returning to TEA by helping them keep their current jobs, gain skills for a career, move toward better jobs, and become self-sufficient. The intent is to provide services that will assist these participants increase their earnings and job retention so they can advance. DWS Workforce Specialists will assist the participant with resources that will assist them in achieving their goals. The following resources, as appropriate, will be provided to the Work Pays participant:

1. developing a career advancement plan;
2. identifying career ladders, either with the participant's current employer or with another employer or industry;
3. referral to Career Pathways Training Initiative;
4. referral to other TANF Initiative Providers;
5. job search assistance through the Arkansas Job Link system;
6. career counseling;
7. working with employers to develop advancement strategies;
8. removing specific barriers;
9. coordinating work supports (e.g., child care, Medicaid, employment expenses, supportive services); and
10. pursuing educational and/or training activities that develop or expand a participant's job expertise; and
11. referral to other appropriate service providers in the workforce development system available through the Arkansas Workforce Centers.

DWS Workforce Specialist will build relationships with Work Pays participants. This assists in guiding, supporting, and encouraging the participant toward accountability, goal setting and good decision-making.

## 10430 Supportive Services

All Work Pays participants may be eligible for extended supportive services such as: child care, Transitional Medicaid or ARKids First, mentoring, financial credit counseling, individual development accounts, and any job retention services offered by the department.



**10400 Job Retention and Advancement**

**10430 Supportive Services**

Work Pays participants whose TEA cases ~~closed due to employment~~ may be eligible for the following supportive services within 12 months of TEA closure:

1. ~~Vehicle Down Payment Assistance~~
2. ~~Vehicle Repair~~
3. ~~Vehicle Insurance~~
4. ~~Vehicle Sales Tax~~
5. ~~Vehicle Tags~~
6. ~~Job Retention~~

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**10500 Payment**

**10501 Payment Amount**

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**10500 Payment**

**10501 Payment Amount**

The Work Pays payment amount is \$204 monthly unless the participant is under a sanction.

Work Pays income will be countable in the same capacity as TEA Cash in SNAP (Food Stamps) and Medicaid cases. All changes reported to the DWS Workforce Specialist will be entered as a task on the ANSWER System

**10502 Payment Authorization**

The DWS Workforce Specialist will authorize the payment when verification of participation is received or good cause for non-compliance is established (Refer to Work Pays policies [TEA 10504](#) and [TEA 10720](#)).

**10503 Extract**

A participant will receive a Work Pays payment once per month. However, extract will occur twice during the month. The first extract is the 10<sup>th</sup> workday of the month for participants who have provided all the required verification and met requirements for a full payment. A second extract will occur on the second work day from the end of the month for participants who provide verification later during the month. The payment is added to the participant's EBT account. (See Work Pays policy [TEA 10504](#) for specific procedures the Work Pays DWS Workforce Specialist will follow to authorize payment.)

**10504 Payment Process**

Families participating in the Work Pays Program will receive a monthly cash assistance payment in the amount of \$204 (regardless of family size) for up to 24 months, provided they meet the Work Pays eligibility requirements. Work Pays payments are made in the month following the month in which the participant participates. Payment will be made via the participant's EBT card. For TANF federal purposes, a Work Pays case is considered cash assistance.

**EXAMPLE:** Ms. Harris applies for Work Pays in July 2006. She provides verification of hours worked for July in August. The DWS Workforce Specialist determined that the

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**10500 Payment**

participant met the work requirement for July and authorizes payment for August by placing a check in the payment box on the Work Pays payment screen in ANSWER.

**10504 Payment Process**

By the 5<sup>th</sup> workday of each month, the Work Pays participant should provide documentation to the DWS Workforce Specialist regarding work activity hours for each week of the preceding month.

By the 10<sup>th</sup> workday of each month, the DWS Workforce Specialist must have keyed the participant's work participation hours into ANSWER. The DWS Workforce Specialist can average the weekly hours worked for the participation requirement if the participant worked over or under the required weekly participation hours during that month. However, the DWS Workforce Specialist must key actual weekly hours into ANSWER.

If the participant provides documentation by the 5<sup>th</sup> workday of the month, the DWS Workforce Specialist will key the work hours into the Service Management tab of ANSWER and select the full payment indicator.

If by the 5<sup>th</sup> workday of the month, the participant:

1. does not provide documentation; or
2. provides insufficient documentation; or
3. provides documentation but it does not meet the 24-hour per week paid work requirement and/or the federal work participation requirement:

Then the DWS Workforce Specialist will send a notice to the participant requesting that the participant:

1. submit proper documentation of meeting the work participation requirements; or
2. show good cause why they did not meet the work participation requirements;

Also, the notice will inform the participant that if the requested information is not received within 10-calendar days, their cash assistance payment will be sanctioned by 50%.

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### 10500 Payment

If the participant provides the required data or shows good cause within 10 calendar days, the DWS Workforce Specialist will key the work hour's data into the Service Management tab of ANSWER and select the full payment indicator.

If the participant does not provide the required data or does not show good cause within 10 calendar days, the DWS Workforce Specialist will key the work hour's data into the Service Management tab of ANSWER and select the sanctioned payment indicator. The participant's cash assistance payment for that month will be reduced by 50% of the original amount. (Refer to Work Pays Policy [TEA 10700](#) for non-compliance requirements.)

### 10504 Payment Process



**NOTE:** If the participant does not meet the 24-hour paid work activity or meet the federal work participation rate for three (3) consecutive months, the DWS Workforce Specialist will send a 10-day notice to the participant requesting work activity documentation or to show good cause why s/he did not comply with work requirements or the case will be closed. The notice must be sent on the 6<sup>th</sup> day of the month if participant does not provide the documentation, show good cause, or provides documentation and still does not meet the work activity requirements, the DWS Workforce Specialist will not authorize a cash assistance payment for the third month. Instead, the DWS Workforce

Specialist should refer to [TEA Policy 10106](#) on closing the Work Pays case and take proper action to close the case.

## **10600 Work Pays Bonus**

### **10504 Payment Process**

## **10600 Work Pays Bonus**

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As an incentive to participants to retain their jobs, each Work Pays participant may receive preset bonus payments after meeting certain job retention targets. To be eligible for the bonuses, the participant must have met the federal work participation rate requirement in each of the preceding months according to the bonus schedule below. All bonus payments will be made through the participants EBT card but not counted as cash assistance. Bonuses will be keyed after the monthly cash assistance payment has been released.

The DWS Workforce Specialist will assess prior work participation and select the indicator in ANSWER to trigger the appropriate bonus payment. The bonus payment indicator should be marked at the same time as the work participation is entered each month. (See Work Pays TEA 10504 for keying of work participation hours.)

### **10600.1 Bonus 1: Three (3) Months Job Retention Target**

Participants that meet the work participation requirements for three consecutive months will receive a bonus in the amount of \$400.00.

### **10600.2 Bonus 2: Additional Six (6) Months Job Retention Target**

Participants that meet the work participation requirements for an additional six (6) consecutive months not including the initial three (3) months in bonus 1 above will receive a job retention bonus in the amount of \$600.

### **10600.3 Bonus 3: Exit Bonus**

Upon closure of the Work Pays case due to time limits, participants that have met the work participation requirements for 21 out of 24 months will receive an exit bonus in the amount of \$800.

### **10600.4 Earnings' Bonus: Case Closure Due to Earnings**

The Work Pays participant may receive an earnings' bonus of \$1,200.00 anytime within the 24 months case time limit if their income exceeds 150% of the Federal Poverty Level (FPL) for their family size. The DWS Workforce Specialist will send a task to the eligibility worker stating that the participant's earnings appear to exceed the FPL. The Action Plan will remain open. The eligibility worker will determine continued eligibility. If earnings exceed FPL, the Work Pays case will be

closed and notification will be sent to the DWS Workforce Specialist. The DWS Workforce Specialist will authorize the bonus to be issued and close the Action Plan after the bonus has been issued.

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#### **10600 Work Pays Bonus**

#### **10504 Payment Process**



**NOTE:** If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays policy [TEA 10800](#) for the eligibility criteria for re-entry to the Work Pays program.)

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## **10700 Non-Compliance**

### **10710 Compliance with Child Support Enforcement**

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## **10700 Non-Compliance**

Non-compliance occurs when a person who is required to participate in certain activities fails to do so. Below are two reasons that a Work Pays participant's case may be deemed in noncompliance:

1. fails to comply with the assigned work requirement (50% sanction); and/or
2. refuses to cooperate with the Child Support Enforcement (Automatic system generated sanction of 25%).

### **10710 Compliance with Child Support Enforcement**

The participant will be required to comply with the Office of Child Support Enforcement. Failure to comply without good cause will result in a 25% sanction being imposed. This sanction is an automatic system generated sanction and requires no action on the part of the DWS Workforce Specialist

### **10720 Good Cause for Work Non-Compliance**

The sanction process will not be applied if the person demonstrates that he or she had good cause for not complying. The determination of good cause is a decision made by each local office. For acceptable good cause reasons, refer to [TEA policy 3801.2](#).

### **10730 Determining Good Cause for Work Non-Compliance**

Once failure to comply with Work Pays requirements has been established, the following procedures will be followed:

1. Contact the participant to give him/her the opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact should be in writing. If the contact is made by phone or face to face, the case record must be documented accordingly. The DWS Workforce Specialist should provide the participant, at a minimum, the following information:
  - a. The specific act of non-compliance;
  - b. A reasonable time to establish good cause prior to applying the sanction.

- c. That if the sanction is imposed, it will result in the Work Pays payment being reduced; and
- d. That the sanction months in which benefits are received will continue to count toward the participant's 24-month time limit.

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#### **10700 Non-Compliance**

##### **10740 Non-Compliance Sanction**

- 2. If the participant contacts the local office and good cause is determined to exist, then a full payment will be authorized.
- 3. In the event good cause is not established and the participant does not cooperate, the cash assistance payment will be reduced.
- 4. An adequate notice will be sent to the participant advising that a sanction is being imposed.

##### **10740 Non-Compliance Sanction**

If on the 5<sup>th</sup> workday of the month, verification of hours has not been received, a notice is sent requesting documentation. If the documentation is not received within the 10 days provided in the sanction notice and good cause is not established, a 50% sanction (reduction in benefits) will be imposed on the Work Pays case. (Refer to Work Pays Policy [TEA 10504](#) to apply the sanction.)

If a participant does not comply with both the work requirement and the Office of Child Support Enforcement, the sanction applied will not exceed 50%.

If the participant fails to meet the participation requirements, then the participant will be sanctioned. The payment for a sanctioned participant is 50% or \$102.

Home visits will be required on Work Pays cases when an act of non-compliance occurs.

##### **10750 Lifting the Sanction**

If the participant fully participates in the next month following a sanctioned payment, the DWS Workforce Specialist will authorize a full payment.

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#### **10800 Re-entry to Work Pays**

##### **10750 Lifting the Sanction**



## 10800 Re-entry to Work Pays

Re-entry into the Work Pays Program is through the TEA Program. A participant can re-enter Work Pays if they are within six months of their last TEA case closure and all Work Pays eligibility requirements are met. A participant who leaves the Work Pays Program due to insufficient work hours may re-enter the program once they establish that they are in a paid work activity with a minimum of twenty-four (24) hours per week and met the federal work participation requirement for the past month. Otherwise, re-entry to Work Pays will occur through TEA eligibility and transition to Work Pays upon TEA case closure.

REPEAL

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**10900 Overpayment**

**10750 Lifting the Sanction**

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**10900 Overpayment**

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Any payment received by or for a participant which is in excess of the amount that should have been paid is an overpayment. However, only those overpayments described in [TEA policy 9000](#) will be reported and collection pursued.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1401

By: Representatives Burkes, Lundstrum  
By: Senator C. Penzo

## For An Act To Be Entitled

AN ACT REGARDING PUBLIC ASSISTANCE; TO AMEND THE  
DURATION OF CASH ASSISTANCE; AND FOR OTHER PURPOSES.

## Subtitle

REGARDING PUBLIC ASSISTANCE; AND TO AMEND  
THE DURATION OF CASH ASSISTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Thousands of individuals are trapped in the cycle of welfare dependency in Arkansas;

(2) Moving Arkansans from welfare to work will help them achieve self-sufficiency and purpose;

(3) Mitigating the cycle of dependency can help save taxpayer dollars and increase the size of Arkansas's workforce;

(4) Arkansas currently has a twenty-four (24) month time limit for families with work-eligible adults receiving cash welfare;

(5) More than one half (1/2) of all cash welfare recipients have been on cash welfare for longer than eighteen (18) months;

(6) Reducing the cash welfare time limit from twenty-four (24) months to twelve (12) months would not impact child-only cases where there are no work eligible adults in the household; and

(7) Arkansas has an opportunity to be a national leader in its cash welfare program.



1       **(b) It is the intent of the General Assembly to reduce the twenty-four**  
2 **(24) month state limitation on cash welfare to twelve (12) months for**  
3 **households with work-eligible adults.**  
4

5       SECTION 2. Arkansas Code § 20-76-404(a)-(d), concerning the duration  
6 of financial assistance, is amended to read as follows:

7       (a)(1) The Division of Workforce Services shall not provide financial  
8 assistance to a family that includes an adult recipient who has received  
9 financial assistance for more than ~~twenty-four (24)~~ twelve (12) months,  
10 except as provided in subsection (c) of this section.

11       (2) The number of months need not be consecutive and shall  
12 include the time a recipient receives financial assistance from another  
13 state.

14       (3) The division may by rule establish other limitations on the  
15 receipt of financial assistance not inconsistent with state or federal law.

16       (b)(1) The division shall certify to the Governor, the House Committee  
17 on Public Health, Welfare, and Labor, and the Senate Committee on Public  
18 Health, Welfare, and Labor when the support services necessary for program  
19 recipients to obtain employment or participate in allowable work activities  
20 are available.

21       (2) The division may certify subsets of program recipients,  
22 including without limitation recipients in a certain geographical area or  
23 employment opportunity district or program recipients with a high school  
24 diploma or high school equivalency diploma approved by the Adult Education  
25 Section.

26       (3) Before implementing the ~~twenty-four-month~~ twelve-month  
27 cumulative limit on financial assistance, the division shall notify program  
28 recipients by direct mail or contact and by other means reasonably calculated  
29 to reach to current and potential program recipients, including, but not  
30 limited to, the posting of notices in county offices.

31       (c) The division shall exempt or temporarily defer within thirty (30)  
32 calendar days the following persons from the ~~twenty-four-month~~ twelve-month  
33 cumulative limit on financial assistance:

34       (1) An individual, as determined by a division case manager, who  
35 cooperated and participated in activities, but was unable to obtain  
36 employment because of circumstances or barriers beyond his or her control;

- 1 (2) Child-only cases;
- 2 (3) An individual unable to obtain employment because of the  
3 lack of support services necessary to overcome barriers to employment;
- 4 (4) A parent or caregiver over sixty (60) years of age;
- 5 (5) A parent or caregiver who is caring for a disabled child  
6 relative or disabled adult relative, based upon criteria set forth in  
7 division rules;
- 8 (6) A disabled parent or caregiver, based upon criteria set  
9 forth in division rules;
- 10 (7) A parent less than eighteen (18) years of age who resides in  
11 the home of a parent or in an approved adult-supervised setting and who  
12 participates in full-time education or training;
- 13 (8) An individual, who as determined by a division case manager,  
14 is unable to obtain employment due directly to the effects of domestic  
15 violence. All case manager determinations made under this subdivision (c)(8)  
16 shall be reviewed by a supervisor within five (5) days of the determination;
- 17 (9) Other individuals as determined by the division, including,  
18 but not limited to, a child when necessary to protect the child from the risk  
19 of neglect, as defined by § 12-18-103(14); and
- 20 (10) Individuals participating in education and training  
21 activities who have reached the end of their ~~twenty-four-month~~ twelve-month  
22 cumulative limit on financial assistance, have complied with all transitional  
23 employment assistance rules, are making satisfactory academic progress as  
24 determined by the academic institution or training program in which the  
25 individual is currently enrolled, and are expected to complete the  
26 requirements for the education or training program within a reasonable period  
27 of time as defined in rules issued by the division.
- 28 (d)(1) No months shall be counted toward a person's ~~twenty-four-month~~  
29 twelve-month cumulative limit on financial assistance while he or she is  
30 receiving a deferral or exemption.
- 31 (2) There shall be no limit on the length or the number of  
32 deferrals or exemptions granted each person as long as the person meets any  
33 of the criteria outlined in subsection (c) of this section.
- 34 (3) The division shall periodically review each case to  
35 determine whether the person still meets any of the criteria outlined in  
36 subsection (c) of this section.

(4)(A) The division shall carry out an enhanced review of all cases six (6) months before the expiration of the time limit.

(B) The review shall assess the barriers that remain to the adult or adults in the case obtaining employment, what enhanced services can be provided to enable him or her to obtain employment, and whether the case should be given a six-month extension or be exempted from the time limit.

(C) The division shall make every reasonable effort to deliver the available services identified in subdivision (d)(4)(B) of this section.

(D) The division shall grant an extension at the time for review if the client meets one (1) of the grounds for extension.

(E) The division shall carry out a further review at the end of the extension period.

SECTION 3. Arkansas Code § 20-76-410(c)(5)(F), concerning the suspension of benefits in the Transitional Employment Assistance Program, is amended to read as follows:

(F) Months during which cash assistance benefits are suspended shall not count toward the family's ~~twenty-four-month~~ twelve-month limit on receiving Transitional Employment Assistance Program assistance.

SECTION 4. Arkansas Code § 20-76-444(b)(1), concerning eligibility for assistance under the Arkansas Work Pays Program, is amended to read as follows:

(b)(1) Eligibility for assistance under the Arkansas Work Pays Program is limited to applicants or participants who:

(A) Have care and custody of a related minor child;

(B) Reside in the State of Arkansas at the time of application for assistance and during the period of assistance;

(C) Apply for Arkansas Work Pays Program assistance within six (6) months of leaving the Transitional Employment Assistance Program after at least three (3) months of Transitional Employment Assistance Program assistance;

(D) Have not received more than ~~twenty-four (24)~~ twelve (12) months of Arkansas Work Pays Program benefits;

(E) Were engaged:

(i) In paid work activities for a minimum of twenty-four (24) hours per week and met the federal work participation requirement for the past month; or

(ii) In the case of continuing eligibility, in paid work activities for a minimum of twenty-four (24) hours per week and met the federal work participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months;

(F) Are:

(i) Citizens of the United States;

(ii) Qualified aliens lawfully present in the United States before August 22, 1996;

(iii) Qualified aliens who physically entered the United States on or after August 22, 1996, and have been in qualified immigrant status for at least five (5) years; or

(iv) Aliens to whom benefits under Temporary Assistance for Needy Families must be provided under federal law;

(G) Have income below one hundred fifty percent (150%) of the federal poverty level; and

(H) Sign and comply with a personal responsibility agreement.

SECTION 5. Arkansas Code § 20-76-444(d)(3), concerning the number of months of eligibility for cash assistance under the Arkansas Work Pays Program, is amended to read as follows:

(3) The number of months for which families are eligible for cash assistance may be reduced in three-month increments from the statutory provision of ~~twenty-four (24)~~ twelve (12) months.

**APPROVED: 3/13/23**

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1742

By: Representative McCollum  
By: Senator J. Boyd

## For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING THE TRANSITIONAL  
EMPLOYMENT ASSISTANCE PROGRAM; TO TRANSFER THE  
ADMINISTRATION OF THE TRANSITIONAL EMPLOYMENT  
ASSISTANCE PROGRAM FROM THE DEPARTMENT OF COMMERCE TO  
THE DEPARTMENT OF HUMAN SERVICES; TO DECLARE AN  
EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO TRANSFER THE ADMINISTRATION OF THE  
TRANSITIONAL EMPLOYMENT ASSISTANCE  
PROGRAM FROM THE DEPARTMENT OF COMMERCE  
TO THE DEPARTMENT OF HUMAN SERVICES; AND  
TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent – Transfer  
of the Transitional Employment Assistance Program and the Arkansas Work Pays  
Program from the Department of Commerce to the Department of Human Services.

(a) The General Assembly finds that:

(1) In order to promote family economic stability and maximize  
the effectiveness of workforce development funding and initiatives, some  
individuals and families need assistance in removing barriers to work; and

(2) The Department of Human Services offers wraparound social  
services, including without limitation prevention services and family  
preservation services, that holistically meet the four (4) purposes of





1 Temporary Assistance for Needy Families.

2 (b) The General Assembly intends this transfer to streamline the  
3 delivery of eligibility, case management, program services, and  
4 administrative operations to optimize Temporary Assistance for Needy Families  
5 resources available to help Arkansans return to work and support their  
6 families.

7 (c) The Transitional Employment Assistance Program and the Arkansas  
8 Work Pays Program, within the Division of Workforce Services, established  
9 under § 20-76-101 et seq., shall be transferred by a cabinet-level department  
10 transfer under § 25-43-101 et seq. from the Department of Commerce to the  
11 Department of Human Services on July 1, 2023.

12 (d) The statutory authority, powers, duties, functions, records,  
13 personnel, property, contracts, and unexpended balances of appropriations,  
14 allocations, or other funds, including the functions of budgeting or  
15 purchasing of the Transitional Employment Assistance Program and the Arkansas  
16 Work Pays Program, are transferred to the Department of Human Services on  
17 July 1, 2023.

18 (e)(1) The transfer of the Transitional Employment Assistance Program  
19 and the Arkansas Work Pays Program does not affect the orders, rules,  
20 regulations, directives, or standards made or promulgated by the Department  
21 of Commerce before the effective date of this act.

22 (2) The orders, rules, regulations, directives, or standards  
23 under subdivision (e)(1) of this section shall continue with full force and  
24 effect until amended or repealed under authority given by law.

25 (f) The Department of Commerce shall grant access to and provide all  
26 information requested by the Department of Human Services to accomplish the  
27 transfer of the Transitional Employment Assistance Program and the Arkansas  
28 Work Pays Program and the mission of both programs.

29  
30 SECTION 2. Arkansas Code § 20-76-102 is amended to read as follows:

31 20-76-102. Coordination of state agency service delivery.

32 (a) To ensure that all available state government resources are used  
33 to help transitional employment assistance recipients make the transition  
34 from welfare to work, each of the following state agencies and organizations  
35 shall also be required to work with the ~~Division of Workforce Services~~  
36 Department of Human Services in providing transitional employment assistance

1 services:

- 2 (1) The Department of ~~Human Services~~ Commerce;
- 3 (2) The Division of Higher Education, including community
- 4 colleges and the University of Arkansas Cooperative Extension Service;
- 5 (3) The Division of Elementary and Secondary Education;
- 6 (4) The Arkansas Development Finance Authority;
- 7 (5) The Arkansas Economic Development Council;
- 8 (6) The Arkansas Department of Transportation;
- 9 (7) The Department of Finance and Administration, including the
- 10 Office of Child Support Enforcement of the Revenue Division of the Department
- 11 of Finance and Administration;
- 12 (8) The Adult Learning Alliance, Inc.;
- 13 (9) The Adult Education Section of the Division of Workforce
- 14 Services; and
- 15 (10) The Department of Corrections;
- 16 (11) The Department of Labor and Licensing; and
- 17 (12) Other state agencies as directed by the Governor or as
- 18 directed by the General Assembly.

19 (b) State agencies required under subsection (a) of this section to

20 work with the ~~Division of Workforce Services~~ Department of Human Services in

21 providing transitional employment assistance services to recipients shall

22 make every effort to use financial resources in their respective budgets and

23 to seek additional funding sources, whether private or federal, to supplement

24 the moneys allocated by the ~~Division of Workforce Services~~ Department of

25 Human Services for the Transitional Employment Assistance Program.

26 (c) All agencies of the state and local governments providing program

27 services shall work cooperatively with and provide any necessary assistance

28 to the General Assembly and the Arkansas Workforce Development Board and

29 shall furnish, in a timely manner, complete and accurate information

30 regarding the program to legislative committees and the board upon request.

31

32 SECTION 3. The introductory language to Arkansas Code § 20-76-106(a),

33 concerning the development of a statewide implementation plan, is amended to

34 read as follows:

35 (a) The ~~Division of Workforce Services~~ Department of Human Services

36 shall:

1  
2 SECTION 4. Arkansas Code § 20-76-106(b)(1), concerning the contents of  
3 the transitional employment assistance implementation plan, is amended to  
4 read as follows:

5 (1) Performance standards and measurement criteria for state and  
6 county offices of the ~~Department of Human Services, the Division of Workforce~~  
7 ~~Services, department~~ and all service providers under the program;

8  
9 SECTION 5. Arkansas Code § 20-76-106(c)(1) and (2), concerning the  
10 preparation of a comprehensive annual program report, are amended to read as  
11 follows:

12 (c)(1)(A) The ~~division~~ department shall prepare a comprehensive annual  
13 program report.

14 (B) The report shall be subject to review and  
15 recommendation by the board.

16 (2) The ~~division~~ department shall submit the comprehensive  
17 annual program report to the Governor, the House Committee on Public Health,  
18 Welfare, and Labor, and the Senate Committee on Public Health, Welfare, and  
19 Labor.

20  
21 SECTION 6. Arkansas Code § 20-76-106(c)(7), concerning the contents of  
22 the comprehensive annual program report, is amended to read as follows:

23 (7) This report shall include a copy of all federal monthly,  
24 quarterly, and annual reports submitted by the ~~Department of Human Services~~  
25 department regarding the Temporary Assistance for Needy Families Program.

26  
27 SECTION 7. Arkansas Code § 20-76-109 is amended to read as follows:  
28 20-76-109. Use of contracts.

29 The ~~Division of Workforce Services~~ Department of Human Services, as  
30 appropriate, should provide work activities, training, and other services  
31 through contracts. In contracting for work activities, training, or services,  
32 the following apply:

33 (1)(A) A contract shall be performance-based.

34 (B) Whenever possible, payment shall be tied to  
35 performance outcomes that include factors such as, but not limited to, job  
36 entry, job entry at a target wage, and job retention, rather than tied to

1 completion of training or education or any other phase of the program  
2 participation process;

3 (2)(A) A contract may include performance-based incentive  
4 payments that may vary according to the extent to which the recipient is more  
5 difficult to place.

6 (B)(i) Contract payments may be weighted proportionally to  
7 reflect the extent to which the recipient has limitations associated with the  
8 long-term receipt of welfare and difficulty in sustaining employment.

9 (ii) The factors may include the extent of the  
10 recipient's prior receipt of welfare, lack of employment experience, lack of  
11 education, lack of job skills, and other factors determined appropriate by  
12 the ~~division~~ department;

13 (3) Each contract awarded under the Transitional Employment  
14 Assistance Program shall be awarded in accordance with state procurement and  
15 contract laws; and

16 (4)(A) The ~~division~~ department may contract with commercial,  
17 charitable, or faith-based organizations.

18 (B) A contract must comply with federal requirements with  
19 respect to nondiscrimination and other requirements that safeguard the rights  
20 of participants.

21 (C) Services may be provided under contract, certificate,  
22 voucher, or other form of disbursement.

23  
24 SECTION 8. Arkansas Code § 20-76-113(b) and (c), concerning promoting  
25 outcomes for the Transitional Employment Assistance Program and the Arkansas  
26 Work Pays Program, are amended to read as follows:

27 (b) The ~~Division of Workforce Services~~ Department of Human Services  
28 shall develop and maintain the indicators for the Transitional Employment  
29 Assistance Program outcomes listed in subdivisions (a)(1)-(5) of this  
30 section, subject to review and approval by the Arkansas Workforce Development  
31 Board.

32 (c)(1) The ~~division~~ department shall develop proper targets for each  
33 Transitional Employment Assistance Program outcome by July 1 of each year,  
34 subject to review and approval by the board.

35 (2) The ~~division~~ department shall review and report on progress  
36 in achieving the targets in the comprehensive annual program report.

(3)(A) On the forty-fifth day after the end of the federal fiscal year, the report shall be submitted to the Governor and to the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor.

(B) The report shall include comments from ~~the Department of Human Services, the division,~~ and other relevant state agencies about their activities and their progress toward the Transitional Employment Assistance Program outcome targets.

SECTION 9. Arkansas Code § 20-76-401(a), concerning the creation and administration of the Transitional Employment Assistance Program, is amended to read as follows:

(a)(1) The Transitional Employment Assistance Program is created.

~~(2)(A) The Transitional Employment Assistance Program shall be administered by the Department of Human Services and the Division of Workforce Services.~~

~~(B) Subject to the order of the Governor, the division may take full authority for administering the Transitional Employment Assistance Program.~~

~~(C) The division may contract with the department for administrative services.~~

~~(3) The division may operate a separate Transitional Employment Assistance Program Two Parent Program funded by state funds not claimed for the federal Temporary Assistance for Needy Families Program maintenance of effort requirement if the Director of the Division of Workforce Services deems such action necessary to avoid the risk of not meeting the two parent work participation rate.~~

SECTION 10. Arkansas Code § 20-76-402 is amended to read as follows:

20-76-402. Work activities – Definitions.

(a) ~~The Division of Workforce Services~~ Department of Human Services shall develop and describe categories of approved work activities for transitional employment assistance recipients in accordance with this section. The rules shall be subject to review and recommendation by the Arkansas Workforce Development Board. Approved work activities may include unsubsidized employment, subsidized private sector employment, subsidized

1 public sector employment, education or training, vocational educational  
2 training, skills training, job search and job readiness assistance, on-the-  
3 job training, micro enterprise, community service, and work experience. For  
4 purposes of this section:

5 (1) "Unsubsidized employment" is full-time employment or part-  
6 time employment that is not directly supplemented by federal or state funds;

7 (2)(A) "Subsidized private sector employment" is employment in a  
8 private for-profit enterprise or a private not-for-profit enterprise which is  
9 directly supplemented by federal or state funds. A program recipient in  
10 subsidized private sector employment shall be eligible for the same benefits  
11 as a nonsubsidized employee who performs similar work. Before receiving any  
12 subsidy or incentive, an employer shall enter into a written contract with  
13 the ~~division~~ department which may include, but not be limited to, provisions  
14 addressing any of the following:

15 (i) Payment schedules for any subsidy or incentive  
16 such as deferred payments based on retention of the recipient in employment;

17 (ii) Durational requirements for the employer to  
18 retain the recipient in employment;

19 (iii) Training to be provided to the recipient by the  
20 employer;

21 (iv) Contributions, if any, made to the recipient's  
22 individual development account; and

23 (v) Weighting of incentive payments proportionally  
24 to the extent to which the recipient has limitations associated with the  
25 long-term receipt of welfare and difficulty in sustaining employment. In  
26 establishing incentive payments, the ~~division~~ department shall consider the  
27 extent of the recipient's prior receipt of welfare, lack of employment  
28 experience, lack of education, lack of job skills, and other appropriate  
29 factors.

30 (B) The ~~division~~ department may require an employer to  
31 repay some or all of a subsidy or incentive previously paid to an employer  
32 under the program unless the recipient is terminated for cause;

33 (3)(A) "Subsidized public sector employment" is employment by an  
34 agency of the federal, state, or local government which is directly  
35 supplemented by federal or state funds. A program recipient in subsidized  
36 public sector employment shall be eligible for the same benefits as a

1 nonsubsidized employee who performs similar work. Before receiving any  
2 subsidy or incentive, an employer shall enter into a written contract with  
3 the ~~division~~ department that may include, but not be limited to, provisions  
4 addressing any of the following:

5 (i) Payment schedules for any subsidy or incentive  
6 such as deferred payments based on retention of the recipient in employment;

7 (ii) Durational requirements for the employer to  
8 retain the recipient in employment;

9 (iii) Training to be provided to the recipient by the  
10 employer;

11 (iv) Contributions, if any, made to the recipient's  
12 individual development account; and

13 (v) Weighting of incentive payments proportionally  
14 to the extent to which the recipient has limitations associated with the  
15 long-term receipt of welfare and difficulty in sustaining employment. In  
16 establishing incentive payments, the ~~division~~ department shall consider the  
17 extent of the recipient's prior receipt of welfare, lack of employment  
18 experience, lack of education, lack of job skills, and other appropriate  
19 factors.

20 (B) The ~~division~~ department may require an employer to  
21 repay some or all of a subsidy and incentive previously paid to an employer  
22 under the program unless the recipient is terminated for cause;

23 (4) "Work experience" is job-training experience at a supervised  
24 public or private not-for-profit agency or organization or with a private  
25 for-profit employer which is linked to education or training and  
26 substantially enhances a recipient's employability. Work experience may  
27 include work study, training-related practicums, and internships;

28 (5) "Job search assistance" may include supervised or  
29 unsupervised job-seeking activities. Job readiness assistance provides  
30 support for job-seeking activities, which may include:

31 (A) Orientation in the world of work and basic job-seeking  
32 and job-retention skills;

33 (B) Instruction in completing an application for  
34 employment and writing a resume;

35 (C) Instruction in conducting oneself during a job  
36 interview, including appropriate dress;

1 (D) Providing a recipient with access to an employment  
2 resource center that contains job listings, telephones, facsimile machines,  
3 typewriters, and word processors; and

4 (E) Preparation to seek or obtain employment, including  
5 life skills and literacy training, and substance abuse treatment, mental  
6 health treatment, or rehabilitation activities for those who are otherwise  
7 employable;

8 (6) "Education" includes elementary and secondary education,  
9 education to obtain the equivalent of a high school diploma, and education to  
10 learn English as a second language. In consultation with adult education or  
11 rehabilitative services, a person with a high school diploma or the  
12 equivalent who tests at less than a working functioning level shall be  
13 eligible to participate in basic remedial or adult education. If an  
14 individual does not have a high school diploma or equivalency, "education"  
15 also includes basic remedial education and adult education;

16 (7) "Vocational educational training" is postsecondary  
17 education, including, at least, programs at two-year or four-year colleges,  
18 universities, technical institutes, and vocational schools or training in a  
19 field directly related to a specific occupation;

20 (8) Job skills training directly related to employment provides  
21 job skills training in a specific occupation. Job skills training may include  
22 customized training designed to meet the needs of a specific employer or a  
23 specific industry;

24 (9) "On-the-job training" means training and work experience at  
25 a public or private not-for-profit agency or organization or with a private  
26 for-profit employer which provides an opportunity to obtain training and job  
27 supervision and provides employment upon satisfactory completion of training;

28 (10) School attendance at a high school or attendance at a  
29 program designed to prepare the recipient to receive a high school  
30 equivalency diploma is a required program activity for each recipient  
31 eighteen (18) years of age or younger who:

32 (A) Has not completed high school or obtained a high  
33 school equivalency diploma;

34 (B) Is a dependent child or a head of household; and

35 (C) For whom it has not been determined that another  
36 program activity is more appropriate;



1 (11) Participation in medical, educational, counseling, and other  
2 services that are part of the recipient's personal responsibility agreement  
3 is a required activity for each teen parent who participates in the  
4 Transitional Employment Assistance Program; and

5 (12) "Community service" is time spent engaged in an approved  
6 activity at a government entity or community-based, charitable organization.

7 (b) All occupational training shall meet at least one (1) of the  
8 following requirements:

9 (1) Be on the statewide or appropriate area list of occupations  
10 in the Guide to Educational Training Programs for Demand Occupations  
11 published by the ~~division~~ Division of Workforce Services;

12 (2) Be on that list for another area within the state to which  
13 the Transitional Employment Assistance Program recipient has signed a  
14 commitment to relocate;

15 (3) Be for a specific position for which an employer has  
16 submitted a letter demonstrating intent to hire persons upon successful  
17 completion of training; and

18 (4) Be in an occupation in local demand but not shown on the  
19 state or area demand list if the local demand is documented or will be  
20 documented by the area workforce development board through a state-prescribed  
21 methodology.

22 (c) Each state agency and each entity that contracts to provide  
23 services for a state agency shall establish recruitment and hiring goals  
24 which shall target ten percent (10%) of all jobs requiring a high school  
25 diploma or less to be filled with transitional employment assistance or food  
26 stamp recipients.

27 (d)(1) The ~~division~~ department shall require participation in approved  
28 work activities to the maximum extent possible, subject to federal and state  
29 funding. If funds are projected to be insufficient to support full-time work  
30 activities by all program recipients who are required to participate in work  
31 activities, the ~~division~~ department shall screen recipients and assign  
32 priority in accordance with the implementation plan.

33 (2) In accordance with the implementation plan, the ~~division~~  
34 department may limit a recipient's weekly work requirement to the minimum  
35 required to meet federal work activity requirements and may develop screening  
36 and prioritization procedures within employment opportunity districts or

1 within counties based on the allocation of resources, the availability of  
2 community resources, or the work activity needs of the employment opportunity  
3 district or county.

4 (e)(1) Subject to subdivision (e)(2) of this section, an adult in a  
5 family receiving assistance under the program may fill a vacant employment  
6 position in order to engage in a work activity described in subsection (a) of  
7 this section.

8 (2) No adult in a work activity described in subsection (a) of  
9 this section which is funded, in whole or in part, by funds provided by the  
10 United States Government shall be employed or assigned:

11 (A) When any other individual is on layoff from the same  
12 or any substantially equivalent job; or

13 (B) If the employer has terminated the employment of any  
14 regular employee or otherwise caused an involuntary reduction in its  
15 workforce in order to fill the vacancy so created with an adult described in  
16 subdivision (e)(1) of this section.

17 (3) The ~~division~~ department shall establish and maintain a  
18 grievance procedure for resolving complaints of alleged violations of  
19 subdivision (e)(2) of this section.

20 (4) Nothing in this subsection shall preempt or supersede any  
21 provision of state or local law that provides greater protection for  
22 employees from displacement.

23 (f) The ~~division~~ department, subject to review and recommendation by  
24 the board, shall establish criteria to exempt or temporarily defer the  
25 following persons from any work activity requirement:

26 (1) An individual required to care for a recipient child until  
27 the child reaches twelve (12) months of age, if the caregiver is an active  
28 participant in a home-based or part-time center-based quality-approved early  
29 learning program, where available, that requires parental involvement and is  
30 approved by the Department of Education under the Arkansas Better Chance  
31 Program Act, § 6-45-101 et seq.;

32 (2) An individual required to care for a recipient child until  
33 the child reaches the maximum age specified by rule, not to exceed twelve  
34 (12) months of age;

35 (3) A parent or caregiver with a disability, based upon criteria  
36 set forth in rules;

(4) A woman in the third trimester of pregnancy;

(5) A parent or caregiver who is caring for a child relative with a disability or an adult relative with a disability, based upon criteria set forth in rules;

(6) A minor parent less than eighteen (18) years of age who resides in the home of a parent or in an approved adult-supervised setting and who participates in full-time education or training;

(7) A teen parent head of household under twenty (20) years of age who maintains satisfactory attendance as a full-time student at a secondary school;

(8) An individual for whom support services necessary to engage in a work activity are not available;

(9) An individual who, as determined by a ~~division~~ department case manager, is unable to participate in work activities due directly to the effects of domestic violence. All case manager determinations made under this subdivision (f)(9) shall be reviewed by a supervisor within five (5) days of such determination;

(10) An individual unable to participate in a work activity due to extraordinary circumstances;

(11) A parent or caregiver over sixty (60) years of age; and

(12) Child-only cases.

SECTION 11. Arkansas Code § 20-76-404, as amended by Acts 2023, No. 266, § 2, is amended to read as follows:

20-76-404. Duration of assistance – Extended support services.

(a)(1) The ~~Division of Workforce Services~~ Department of Human Services shall not provide financial assistance to a family that includes an adult recipient who has received financial assistance for more than twelve (12) months, except as provided in subsection (c) of this section.

(2) The number of months need not be consecutive and shall include the time a recipient receives financial assistance from another state.

(3) The ~~division~~ Department of Human Services may by rule establish other limitations on the receipt of financial assistance not inconsistent with state or federal law.

(b)(1) The ~~division~~ Department of Human Services shall certify to the

1 Governor, the House Committee on Public Health, Welfare, and Labor, and the  
2 Senate Committee on Public Health, Welfare, and Labor when the support  
3 services necessary for program recipients to obtain employment or participate  
4 in allowable work activities are available.

5 (2) The ~~division~~ Department of Human Services may certify  
6 subsets of program recipients, including without limitation recipients in a  
7 certain geographical area or employment opportunity district or program  
8 recipients with a high school diploma or high school equivalency diploma  
9 approved by the Adult Education Section of the Division of Workforce  
10 Services.

11 (3) Before implementing the twelve-month cumulative limit on  
12 financial assistance, the ~~division~~ Department of Human Services shall notify  
13 program recipients by direct mail or contact and by other means reasonably  
14 calculated to reach ~~to~~ current and potential program recipients, including,  
15 but not limited to, the posting of notices in county offices.

16 (c) The ~~division~~ Department of Human Services shall exempt or  
17 temporarily defer within thirty (30) calendar days the following persons from  
18 the twelve-month cumulative limit on financial assistance:

19 (1) An individual, as determined by a ~~division~~ Department of  
20 Human Services case manager, who cooperated and participated in activities,  
21 but was unable to obtain employment because of circumstances or barriers  
22 beyond his or her control;

23 (2) Child-only cases;

24 (3) An individual unable to obtain employment because of the  
25 lack of support services necessary to overcome barriers to employment;

26 (4) A parent or caregiver over sixty (60) years of age;

27 (5) A parent or caregiver who is caring for a disabled child  
28 relative or disabled adult relative, based upon criteria set forth in  
29 ~~division~~ Department of Human Services rules;

30 (6) A disabled parent or caregiver, based upon criteria set  
31 forth in ~~division~~ Department of Human Services rules;

32 (7) A parent less than eighteen (18) years of age who resides in  
33 the home of a parent or in an approved adult-supervised setting and who  
34 participates in full-time education or training;

35 (8) An individual, who as determined by a ~~division~~ Department of  
36 Human Services case manager, is unable to obtain employment due directly to

1 the effects of domestic violence. All case manager determinations made under  
2 this subdivision (c)(8) shall be reviewed by a supervisor within five (5)  
3 days of the determination;

4 (9) Other individuals as determined by the ~~division~~ Department  
5 of Human Services, including, but not limited to, a child when necessary to  
6 protect the child from the risk of neglect, as defined by § 12-18-103(14);  
7 and

8 (10) Individuals participating in education and training  
9 activities who have reached the end of their twelve-month cumulative limit on  
10 financial assistance, have complied with all transitional employment  
11 assistance rules, are making satisfactory academic progress as determined by  
12 the academic institution or training program in which the individual is  
13 currently enrolled, and are expected to complete the requirements for the  
14 education or training program within a reasonable period of time as defined  
15 in rules issued by the ~~division~~ Department of Human Services.

16 (d)(1) No months shall be counted toward a person's twelve-month  
17 cumulative limit on financial assistance while he or she is receiving a  
18 deferral or exemption.

19 (2) There shall be no limit on the length or the number of  
20 deferrals or exemptions granted each person as long as the person meets any  
21 of the criteria outlined in subsection (c) of this section.

22 (3) The ~~division~~ Department of Human Services shall periodically  
23 review each case to determine whether the person still meets any of the  
24 criteria outlined in subsection (c) of this section.

25 (4)(A) The ~~division~~ Department of Human Services shall carry out  
26 an enhanced review of all cases six (6) months before the expiration of the  
27 time limit.

28 (B) The review shall assess the barriers that remain to  
29 the adult or adults in the case obtaining employment, what enhanced services  
30 can be provided to enable him or her to obtain employment, and whether the  
31 case should be given a six-month extension or be exempted from the time  
32 limit.

33 (C) The ~~division~~ Department of Human Services shall make  
34 every reasonable effort to deliver the available services identified in  
35 subdivision (d)(4)(B) of this section.

36 (D) The ~~division~~ Department of Human Services shall grant

1 an extension at the time for review if the client meets one (1) of the  
2 grounds for extension.

3 (E) The ~~division~~ Department of Human Services shall carry  
4 out a further review at the end of the extension period.

5 (e)(1) A recipient who was eligible for Medicaid and loses his or her  
6 financial assistance due to earnings and whose income remains below one  
7 hundred eighty-five percent (185%) of the federal poverty level shall remain  
8 eligible for transitional Medicaid without reapplication during the  
9 immediately succeeding twelve-month period if private medical insurance is  
10 unavailable from the employer.

11 (2) A recipient who loses his or her financial assistance due to  
12 earnings and who is employed shall be eligible for:

13 (A) Childcare assistance at no cost and without  
14 reapplication for a cumulative period of twelve (12) months; and

15 (B) Twenty-four (24) additional months of childcare  
16 assistance provided on a sliding fee scale or other cost-sharing arrangement  
17 as determined by the ~~division~~ Department of Human Services.

18 (3) The ~~division~~ Department of Human Services may reduce the  
19 period of transitional child care to a total of twenty-four (24) months for  
20 recipients who lose assistance at a specified date after the ~~division's~~  
21 Department of Human Services' decision to limit the assistance if the  
22 ~~division~~ Department of Human Services certifies to the Governor and the Chief  
23 Fiscal Officer of the State that the reduction is necessary to avoid  
24 overspending the biennial budget for child care.

25 (4) The transitional childcare assistance available to former  
26 recipients shall not exceed the cumulative number of months provided under  
27 subdivisions (e)(2) and (3) of this section, regardless of whether the former  
28 recipient reenters the Transitional Employment Assistance Program.

29 (f)(1) The ~~division~~ Department of Human Services shall deny Medicaid,  
30 childcare, and transportation assistance during the twelve-month period for  
31 any month in which the recipient's family does not include a dependent child.

32 (2) The ~~division~~ Department of Human Services shall notify the  
33 recipient of transitional Medicaid, childcare, and transportation assistance  
34 when the recipient is notified of the termination of cash assistance. The  
35 notice shall include a description of the circumstances in which the  
36 transitional Medicaid and childcare assistance may be terminated.

1 (g)(1) In order to assist current and former program recipients in  
2 continuing training and upgrading skills, transitional education or training  
3 may be provided to a recipient for up to one (1) year after the recipient is  
4 no longer eligible to participate in the program due to employment earnings.

5 (2) Education or training resources available in the community  
6 at no additional cost to the ~~division~~ Department of Human Services shall be  
7 used whenever possible.

8 (3) Transitional education or training shall be employment-  
9 related and may include education or training to improve a recipient's job  
10 skills in the recipient's existing area of employment or may include  
11 education or training to prepare a recipient for employment in another  
12 occupation.

13 (4) The ~~division~~ Department of Human Services may enter into an  
14 agreement with an employer to share the costs relating to upgrading the  
15 skills of recipients hired by the employer.

16 (h) Other extended support services may be available to recipients no  
17 longer eligible for financial assistance under transitional employment  
18 assistance.

19 (i)(1) By August 1, 2001, the ~~division~~ Department of Human Services  
20 shall develop a plan, subject to review and recommendation by the Arkansas  
21 Workforce Development Board, to monitor and protect the safety and well-being  
22 of the children within a family whose temporary assistance is terminated for  
23 any reason other than the family's successful transition to economic self-  
24 sufficiency.

25 (2)(A) Actions required by the plan shall include at least one  
26 (1) home visit with the parents and children.

27 (B) Every reasonable effort shall be made to make contact  
28 with all families, including visits during evenings and on weekends.

29 (C) The first home visit shall occur within six (6) months  
30 after the termination of cash assistance.

31 (D) The purposes of the home visits shall include checking  
32 on the well-being of children in those families and determining whether the  
33 families need available services.

34 (3) The ~~division~~ Department of Human Services may contract with  
35 other state agencies, private companies, local government agencies, or  
36 community organizations for the conducting of these visits.

(4) The board shall submit a report to the Governor and the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor that reports on the outcomes of the home visits and provides separate information for families who left transitional assistance due to noncompliance and time limits.

(j) As part of the home visits, families shall be informed about the availability of Medicaid and the ARKids First Program, food stamps, child care, housing assistance, any other supportive services offered by the ~~division~~ Department of Human Services or the Department of Health designed to help meet the basic needs and well-being of children, federal and state earned income tax credits, individual development accounts, employment counseling services, and education and training opportunities designed to increase the future earnings and employment prospects of clients.

SECTION 12. Arkansas Code § 20-76-410(b)-(f), as amended by Acts 2023, No. 266, § 3, concerning administrative sanctions and the Transitional Employment Assistance Program are amended to read as follows:

(b) The ~~Division of Workforce Services~~ Department of Human Services may define by rule additional situations that require sanction, establish additional sanctions, and provide for administrative disqualification.

(c)(1) If a parent fails to comply with the Transitional Employment Assistance Program requirements, financial assistance for the child or children may be continued under subdivisions (a)(1)-(5) of this section, and the ~~division~~ department shall suspend the family's assistance for one (1) month.

(2)(A) During the thirty (30) days after suspension of benefits, the ~~division~~ department shall make strong efforts to arrange a face-to-face meeting with the parent, including a home visit to the family if necessary.

(B) In the face-to-face meeting, the ~~division~~ department shall explain:

(i) The reason that the family has been found to be noncompliant;

(ii) The penalty that will be imposed; and

(iii) The opportunity to correct that noncompliance and avoid the penalty.



1 (C) The ~~division~~ department shall also seek to determine  
2 the well-being of the child or children and whether additional services or  
3 actions are required to protect the well-being of the child or children.

4 (D) If the parent comes into compliance within fifteen  
5 (15) business days after the face-to-face meeting and maintains compliance  
6 for two (2) weeks, the suspended benefits shall be paid to the family.

7 (3) If the parent fails to come into compliance during the  
8 period of suspended benefits, the family's financial assistance may be  
9 reduced by up to twenty-five percent (25%) for the next three (3) months if  
10 noncompliance continues.

11 (4) If the parent's noncompliance continues after the fourth  
12 month, the ~~division~~ department shall suspend the family's financial  
13 assistance for two (2) months.

14 (5)(A) During the thirty (30) days after suspension of benefits,  
15 the ~~division~~ department shall make strong efforts to arrange a face-to-face  
16 meeting with the parent, including a home visit to the family if necessary.

17 (B) In the face-to-face meeting, the ~~division~~ department  
18 shall explain:

19 (i) The reason that the family has been found to be  
20 noncompliant;

21 (ii) The penalty that will be imposed; and

22 (iii) The opportunity to correct that noncompliance  
23 and avoid the penalty.

24 (C) The ~~division~~ department shall also seek to determine  
25 the well-being of the child or children and whether additional services or  
26 actions are required to protect the well-being of the child or children.

27 (D) If the parent comes into compliance within fifteen  
28 (15) business days and maintains compliance for two (2) weeks, the suspended  
29 benefits shall be paid to the parent.

30 (E) If the parent fails to come into compliance during the  
31 second period of suspended benefits, the family's financial assistance may be  
32 reduced by up to fifty percent (50%) for the next three (3) months, if  
33 noncompliance continues.

34 (F) Months during which cash assistance benefits are  
35 suspended shall not count toward the family's twelve-month limit on receiving  
36 Transitional Employment Assistance Program assistance.

1 (G) The Transitional Employment Assistance Program cash  
2 assistance case shall be closed if noncompliance continues after the end of  
3 the period under this subdivision (c)(5).

4 (6) The ~~division~~ department shall arrange a home visit with the  
5 family during the last month of the sanction to determine the well-being of  
6 the child or children and to determine whether additional services are  
7 required to protect the well-being of the child or children.

8 (7) Medicaid and food stamp benefits shall be continued without  
9 need for reapplication if the family is being sanctioned and for as long as  
10 the family remains eligible under the requirements of those programs.

11 (8) ~~Division~~ Department staff may contract with other state  
12 agencies, local coalitions, or appropriate community organizations to carry  
13 out the strong efforts to communicate with families facing sanction and to  
14 conduct the face-to-face meetings and home visits specified in this section.

15 (d) ~~Beginning after July 27, 2011, the division~~ The department shall  
16 include in the comprehensive annual program report information on the  
17 families sanctioned and the outcomes of the home visits to the Governor and  
18 the House Committee on Public Health, Welfare, and Labor and the Senate  
19 Committee on Public Health, Welfare, and Labor.

20 (e) When appropriate, protective payees may be designated by the  
21 ~~division~~ department and may include:

22 (1) A relative or other individual who is interested in or  
23 concerned with the welfare of the child or children and agrees in writing to  
24 utilize the assistance in the best interests of the child or children;

25 (2) A member of the community affiliated with a religious,  
26 community, neighborhood, or charitable organization who agrees in writing to  
27 utilize the assistance in the best interests of the child or children; or

28 (3) A volunteer or member of an organization who agrees in  
29 writing to utilize the assistance in the best interests of the child or  
30 children.

31 (f)(1) If it is in the best interest of the child or children, as  
32 determined by the ~~division~~ department, for the staff member of a private  
33 agency, a public agency, the ~~division~~ department, or any other appropriate  
34 organization to serve as a protective payee, the designation may be made.

35 (2) However, a protective payee shall not be any individual  
36 involved in determining eligibility for assistance for the family, staff

1 handling any fiscal pressures related to the issuance of assistance, or  
 2 landlords, grocers, or vendors of goods, services, or items dealing directly  
 3 with the recipient.

4  
 5 SECTION 13. Arkansas Code § 20-76-437 is amended to read as follows:

6 20-76-437. Reporting – Transitional employment assistance.

7 The Department of Human Services, ~~the Division of Workforce Services,~~  
 8 ~~the Department of Health, the Division of Elementary and Secondary Education,~~  
 9 ~~the Division of Higher Education, the Adult Education Section, the Arkansas~~  
 10 ~~Development Finance Authority, the Arkansas Economic Development Council, and~~  
 11 ~~the Arkansas Department of Transportation~~ shall report periodically to the  
 12 House Committee on Public Health, Welfare, and Labor and the Senate Committee  
 13 on Public Health, Welfare, and Labor regarding the provision of services to  
 14 Transitional Employment Assistance Program recipients.

15  
 16 SECTION 14. Arkansas Code § 20-76-438(b), concerning the findings  
 17 related to a division of administration of the Transitional Employment  
 18 Assistance Program, is repealed.

19 ~~(b)(1) The General Assembly also finds that:~~

20 ~~(A) Currently there are inefficiencies and duplication of~~  
 21 ~~effort on the part of the Division of Workforce Services and the Department~~  
 22 ~~of Human Services in the administration of the Transitional Employment~~  
 23 ~~Assistance Program; and~~

24 ~~(B) A different division of responsibility for~~  
 25 ~~administration of the Transitional Employment Assistance Program by the~~  
 26 ~~division and the Department of Human Services may result in the more~~  
 27 ~~efficient and effective administration of the Transitional Employment~~  
 28 ~~Assistance Program.~~

29 ~~(2) Therefore, it is in the public interest that the General~~  
 30 ~~Assembly authorize the division to:~~

31 ~~(A) Receive the Temporary Assistance for Needy Families~~  
 32 ~~block grant from the United States Department of Health and Human Services~~  
 33 ~~for the administration of all Temporary Assistance for Needy Families funded~~  
 34 ~~programs in Arkansas;~~

35 ~~(B) Expend the Temporary Assistance for Needy Families~~  
 36 ~~block grant funds subject to the appropriations of the General Assembly;~~

~~(C) Provide all employment related services for time-limited Transitional Employment Assistance Program clients;~~

~~(D) Contract with other state agencies or other providers to deliver services in Temporary Assistance for Needy Families funded programs; and~~

~~(E) Prepare and submit any Temporary Assistance for Needy Families renewal plans that are required in § 402 of the Social Security Act, 42 U.S.C. § 651 et seq.~~

SECTION 15. Arkansas Code § 20-76-443(a)(1), concerning education and training for recipients of Transitional Employment Assistance Program benefits, is amended to read as follows:

(a)(1) The Department of Human Services ~~and the Division of Workforce Services~~ shall permit Transitional Employment Assistance Program recipients to obtain the education and training they need to obtain jobs that pay wages allowing them to be economically self-sufficient.

SECTION 16. Arkansas Code § 20-76-443(d)(2), concerning rules for evening childcare program for recipients of Transitional Employment Assistance Program benefits, is amended to read as follows:

(2) The ~~Division of Workforce Services~~ Department of Human Services and the Arkansas Early Childhood Commission jointly shall promulgate rules to develop an evening childcare program with extended hours under subdivision (d)(1) of this section.

SECTION 17. Arkansas Code § 20-76-444, as amended by Acts 2023, No. 266, is amended to read as follows:

20-76-444. Arkansas Work Pays Program – Created – Duties.

(a)(1) There is created the Arkansas Work Pays Program.

(2)(A) The Arkansas Work Pays Program shall be administered by the ~~Division of Workforce Services~~ Department of Human Services.

(B) The administration of the Arkansas Work Pays Program shall focus on promoting the Transitional Employment ~~Assistance~~ Assistance Program outcomes specified in § 20-76-113.

(3) Eligible applicants to the Arkansas Work Pays Program shall receive one (1) or more of the following:

- 1 (A) Cash assistance;
- 2 (B) Support services;
- 3 (C) Medical assistance; and
- 4 (D) Employment assistance.

5 (b)(1) Eligibility for assistance under the Arkansas Work Pays Program  
6 is limited to applicants or participants who:

- 7 (A) Have care and custody of a related minor child;
- 8 (B) Reside in the State of Arkansas at the time of  
9 application for assistance and during the period of assistance;
- 10 (C) Apply for Arkansas Work Pays Program assistance within  
11 six (6) months of leaving the Transitional Employment Assistance Program  
12 after at least three (3) months of Transitional Employment Assistance Program  
13 assistance;

14 (D) Have not received more than twelve (12) months of  
15 Arkansas Work Pays Program benefits;

16 (E) Were engaged:

17 (i) In paid work activities for a minimum of twenty-  
18 four (24) hours per week and met the federal work participation requirement  
19 for the past month; or

20 (ii) In the case of continuing eligibility, in paid  
21 work activities for a minimum of twenty-four (24) hours per week and met the  
22 federal work participation requirement for one (1) of the past three (3)  
23 months and for at least three (3) of the past six (6) months;

24 (F) Are:

25 (i) Citizens of the United States;

26 (ii) Qualified aliens lawfully present in the United  
27 States before August 22, 1996;

28 (iii) Qualified aliens who physically entered the  
29 United States on or after August 22, 1996, and have been in qualified  
30 immigrant status for at least five (5) years; or

31 (iv) Aliens to whom benefits under Temporary  
32 Assistance for Needy Families must be provided under federal law;

33 (G) Have income below one hundred fifty percent (150%) of  
34 the federal poverty level; and

35 (H) Sign and comply with a personal responsibility  
36 agreement.

1           (2) Families who leave the Arkansas Work Pays Program due to  
2 insufficient work hours may reenter the Arkansas Work Pays Program once they  
3 establish that they were paid work activities for a minimum of twenty-four  
4 (24) hours per week and met the federal work participation requirement for  
5 the past month.

6           (c)(1) Families participating in the Arkansas Work Pays Program with  
7 earnings less than the federal poverty level shall receive monthly cash  
8 assistance equal to the maximum monthly Transitional Employment Assistance  
9 Program benefit for a family of three (3) with no earned income.

10           (2) The ~~division~~ department may set payment levels for families  
11 earning above the federal poverty level by rule to allow for a gradual  
12 reduction in payments as earnings rise toward one hundred fifty percent  
13 (150%) of the federal poverty level.

14           (d)(1) Enrollment in Arkansas Work Pays Program cash assistance may be  
15 limited to three thousand (3,000) participants.

16           (2) If the Arkansas Workforce Development Board certifies to the  
17 Governor and the Chief Fiscal Officer of the State and notifies the  
18 Legislative Council, the Senate Committee on Public Health, Welfare, and  
19 Labor, and the House Committee on Public Health, Welfare, and Labor that the  
20 action is necessary to avoid the number of families receiving Arkansas Work  
21 Pays Program cash assistance going over three thousand (3,000), it may  
22 authorize a reduction of the months for which families may receive cash  
23 assistance or other supportive services.

24           (3) The number of months for which families are eligible for  
25 cash assistance may be reduced in three-month increments from the statutory  
26 provision of twelve (12) months.

27           (4) Families who lose eligibility for cash assistance due to the  
28 reduction in the number of months of eligibility shall qualify for financial  
29 incentives offered to families leaving the Arkansas Work Pays Program.

30           (5) The board shall withdraw its reduction of the months for  
31 which families are eligible for cash assistance if the reduction is no longer  
32 necessary to maintain enrollments below three thousand (3,000) families.

33           (e) Families participating in the Arkansas Work Pays Program shall be  
34 eligible for the same support services and assistance as families enrolled in  
35 the Transitional Employment Assistance Program.

36           (f) The ~~division~~ department shall administer a work incentive program

1 that includes cash bonuses and other financial incentives to encourage:

2 (1) Transitional Employment Assistance Program recipients to  
3 leave the Transitional Employment Assistance Program and move into the  
4 Arkansas Work Pays Program;

5 (2) Arkansas Work Pays Program participants to stay employed for  
6 at least twenty-four (24) hours a week and meet the federal work  
7 participation rate; and

8 (3) Arkansas Work Pays Program participants to leave the  
9 Arkansas Work Pays Program and continue employment for at least twenty-four  
10 (24) hours per week.

11 (g)(1) The ~~division~~ department ~~shall~~ may work with local workforce  
12 offices to develop and administer services to Arkansas Work Pays Program  
13 participants designed to help them move into higher-paying jobs available in  
14 their regions.

15 (2) These services may include:

16 (A) Employment exchanges;

17 (B) Education and training;

18 (C) Work supports; and

19 (D) Other services designed to help Arkansas Work Pays  
20 Program participants increase their earnings and develop careers.

21 (3) The ~~division~~ department may make these services available to  
22 low-income workers who are not participating in the Arkansas Work Pays  
23 Program.

24 ~~(h)(1) The division may contract with the Department of Human Services~~  
25 ~~for administrative services related to eligibility and payments.~~

26 ~~(i) The division shall make arrangements with the Department of Human~~  
27 ~~Services to facilitate participants' enrollment in the Arkansas Work Pays~~  
28 ~~Program after they leave the Transitional Employment Assistance Program.~~

29 ~~(j)(1)~~ The ~~division~~ department shall promulgate rules establishing the  
30 Arkansas Work Pays Program.

31 (2) The rules shall be subject to review and recommendation by  
32 the board.

33  
34 SECTION 18. Arkansas Code § 20-76-445(b)(1)(A), concerning the Career  
35 Pathways Initiative, is amended to read as follows:

36 (b)(1)(A) The Department of Human Services, the Division of Workforce

1 Services, the Division of Higher Education, and the Arkansas Workforce  
2 Development Board shall work jointly to develop a plan for the Career  
3 Pathways Initiative.

4  
5 SECTION 19. Arkansas Code § 20-76-446(a) and (b), concerning the  
6 Community Investment Initiative, are amended to read as follows:

7 (a)(1) There is created the Community Investment Initiative.

8 (2) The ~~Division of Workforce Services~~ Department of Human  
9 Services shall develop the initiative.

10 (b) The ~~division~~ department shall contract with private or community  
11 organizations, including faith-based organizations, to offer services and  
12 support to parents, children, and youth in their communities.

13  
14 SECTION 20. Arkansas Code § 20-76-446(d)(1), concerning the Community  
15 Investment Initiative, is amended to read as follows:

16 (d)(1) The ~~division~~ department shall authorize contracts with state  
17 agencies or community organizations to provide training and capacity building  
18 services to organizations eligible to apply for initiative funds.

19  
20 SECTION 21. Arkansas Code § 20-76-702(4)(B), concerning the definition  
21 of "drug" under the Drug Screening and Testing Act of 2015, is amended to  
22 read as follows:

23 (B) The ~~Director of the Division of Workforce Services~~ Secretary  
24 of the Department of Human Services may add under the definition of  
25 subdivision (4)(A) of this section additional drugs by rule;

26  
27 SECTION 22. Arkansas Code § 20-76-702(6), concerning the definition of  
28 "drug testing agency" under the Drug Screening and Testing Act of 2015, is  
29 amended to read as follows:

30 (6) "Drug testing agency" means an entity that has the required  
31 credentials as established by the ~~Division of Workforce Services~~ Department  
32 of Human Services to administer drug tests using a person's urine, blood, or  
33 DNA that will detect and validate the presence of drugs in a person's body;

34  
35 SECTION 23. Arkansas Code § 20-76-703(a)(1), concerning administration  
36 of the Drug Screening and Testing Act of 2015, is amended to read as follows:



1           (a)(1) Subject to state appropriation, the ~~Division of Workforce~~  
2 ~~Services, in coordination with the~~ Department of Human Services, shall  
3 establish and administer a drug screening and testing program of suspicion-  
4 based drug screening and testing for each applicant who is otherwise eligible  
5 for the Temporary Assistance for Needy Families Program, § 20-76-101 et seq.,  
6 or its successor program and for each recipient of the Temporary Assistance  
7 for Needy Families Program, § 20-76-101 et seq., or its successor program.  
8

9           SECTION 24. The introductory language to Arkansas Code § 20-76-704(a),  
10 concerning powers and duties under the Drug Screening and Testing Act of  
11 2015, is amended to read as follows:

12           (a) The ~~Division of Workforce Services, in coordination with the~~  
13 Department of Human Services, shall:  
14

15           SECTION 25. The introductory language to Arkansas Code § 20-76-704(b),  
16 concerning powers and duties under the Drug Screening and Testing Act of  
17 2015, is amended to read as follows:

18           (b) Annually, the ~~division, in coordination with the~~ department, shall  
19 submit a report of the past calendar year on or before February 1 to the  
20 General Assembly that includes without limitation:  
21

22           SECTION 26. Arkansas Code § 20-76-705 is amended to read as follows:

23           20-76-705. Standards in drug screening and testing pilot program.

24           The drug screening and testing program shall include without  
25 limitation:

26           (1)(A) A requirement that an applicant upon initial application  
27 for Temporary Assistance for Needy Families Program benefits or a current  
28 recipient of program benefits at annual redetermination shall be screened  
29 using an empirically validated drug screening tool.

30           (B) If the result of the drug screening tool gives the  
31 ~~Division of Workforce Services~~ Department of Human Services a reasonable  
32 suspicion to believe that the applicant or recipient has engaged in the use  
33 of drugs, then the applicant or recipient shall be required to take a drug  
34 test.

35           (C) A refusal by an applicant or recipient to take a drug  
36 test shall result in lack of eligibility for program benefits for six (6)

1 months;

2 (2) A process for administering the cost of drug tests as  
3 follows:

4 (A) If an applicant or recipient receives a negative  
5 result on a drug test, the cost of administering the drug test shall be paid  
6 by the ~~division~~ department;

7 (B) If an applicant or recipient receives a positive  
8 result on a drug test, refuses to enter a treatment plan, and receives a  
9 negative result on a drug test upon reapplying for benefits after six (6)  
10 months, the cost of administering the first drug test shall be deducted from  
11 his or her first program benefits, and the cost of administering the second  
12 drug test shall be paid by the ~~division~~ department;

13 (C) If an applicant receives a positive result on a drug  
14 test and enters a treatment plan, the cost of administering the drug test  
15 shall be deducted from his or her first program benefits; and

16 (D) If a recipient receives a positive result on a drug  
17 test and enters a treatment plan, the cost of administering the drug test  
18 shall be deducted from his or her first program benefits after  
19 redetermination;

20 (3)(A) A referral process for any applicant or recipient who  
21 receives a positive result on a drug test to be referred to an appropriate  
22 treatment resource for drug abuse treatment or other resource by the ~~division~~  
23 department for an appropriate treatment period as determined by the ~~division~~  
24 department.

25 (B) Evidence of ongoing compliance during the determined  
26 treatment period shall be required.

27 (C) If an applicant or recipient is otherwise eligible  
28 during the treatment period, the applicant shall receive program benefits;

29 (4) A requirement that a refusal to enter a treatment plan or  
30 failure to complete the treatment plan by an applicant or recipient who  
31 receives a positive result on a drug test shall result in lack of eligibility  
32 for program benefits for six (6) months;

33 (5)(A) A requirement that an applicant or recipient be tested  
34 using the no less than five-panel drug test upon the conclusion of the  
35 determined treatment period.

36 (B) If an applicant or recipient receives a positive

1 result on the no less than five-panel drug test or any subsequent drug test,  
2 the applicant shall be ineligible for program benefits for six (6) months.

3 (C) If an applicant or recipient who has failed a drug  
4 test reapplies for program benefits, the applicant or recipient shall test  
5 negative for illegal use of controlled substances in order to receive program  
6 benefits, and the ~~division~~ department may provide a referral to an  
7 appropriate treatment resource for drug abuse treatment or other resource;  
8 and

9 (6)(A) A requirement that a dependent child's eligibility for  
10 program benefits shall not be affected by a caretaker relative's  
11 ineligibility due to positive results on a drug test.

12 (B) An appropriate protective payee shall be designated to  
13 receive program benefits on behalf of the dependent child.

14  
15 SECTION 27. Arkansas Code § 20-76-706 is amended to read as follows:  
16 20-76-706. Information regarding drug testing.

17 (a) All information, interviews, reports, statements, memoranda, and  
18 drug test results, written or otherwise, received by the ~~Division of~~  
19 ~~Workforce Services~~ Department of Human Services as a part of the drug testing  
20 program under this subchapter shall be confidential and not subject to  
21 disclosure and may not be used or received in evidence, obtained in  
22 discovery, or disclosed in any public or private proceedings.

23 (b)(1) Information regarding drug test results for a test administered  
24 under this subchapter shall not be released to law enforcement officers or  
25 used in any criminal proceeding.

26 (2) Information released contrary to subdivision (b)(1) of this  
27 section is inadmissible as evidence in a criminal proceeding.

28 (c) This subchapter does not prohibit:

29 (1) The ~~division~~ department or a drug testing agency conducting  
30 the drug test from having access to an adult applicant's or adult recipient's  
31 drug test information or using the information when consulting with legal  
32 counsel in connection with actions brought under or related to this  
33 subchapter or when the information is relevant to its defense in a civil or  
34 administrative matter; or

35 (2) The reporting of child abuse, child sexual abuse, or neglect  
36 of a child.

1  
2 SECTION 28. Arkansas Code § 20-76-708 is amended to read as follows:  
3 20-76-708. Rulemaking authority.

4 (a) ~~The Director of the Division of Workforce Services, in~~  
5 ~~coordination with~~ Secretary of the Department of Human Services, shall  
6 promulgate rules necessary for the implementation of this subchapter.

7 (b) The ~~director~~ secretary shall consider the following when  
8 promulgating rules:

9 (1) Testing procedures established by the United States  
10 Department of Health and Human Services and the United States Department of  
11 Transportation;

12 (2) Screening procedures established by the substance abuse  
13 experts to determine when a person exhibits the criteria to determine that  
14 there is reasonable cause to suspect that a person is likely to use drugs;

15 (3) Body specimens and minimum specimen amounts that are  
16 appropriate for drug testing;

17 (4) Methods of analysis and procedures to ensure reliable drug  
18 testing results, including without limitation standards for initial tests and  
19 confirmation tests;

20 (5) Minimum detection levels for each drug or drug metabolite  
21 for the purpose of determining a positive result;

22 (6) Chain-of-custody procedures to ensure proper identification,  
23 labeling, and handling of specimens tested; and

24 (7) Retention, storage, and transportation procedures to ensure  
25 reliable results of drug tests used in the administration of this subchapter.  
26

27 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the Transitional Employment  
29 Assistance Program and the Arkansas Work Pays Program preserve the public  
30 peace, health, and safety by providing time-limited case assistance to needy  
31 families with or expecting children, work training, and other supportive  
32 services that parents need in order to attain permanent self-sufficiency, and  
33 assistance to prior participants of the Transitional Employment Assistance  
34 Program; that this act provides for the transfer of the Transitional  
35 Employment Assistance Program and the Arkansas Work Pays Program to the  
36 Department of Human Services; and that this act should become effective on

1 July 1, 2023, to coincide with the appropriation bills of the Department of  
2 Human Services and the Department of Commerce so that the Transitional  
3 Employment Assistance Program and the Arkansas Work Pays Program continue to  
4 provide their vital services as the transition is implemented and does not  
5 experience any issues with funding under the transfer. Therefore, an  
6 emergency is declared to exist, and this act being necessary for the  
7 preservation of the public peace, health, and safety shall become effective  
8 on July 1, 2023.

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11 **APPROVED: 4/13/23**  
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