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POLICY TRANSMITTAL NO. 09-14	DATE: MARCH 30, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2, Table of Contents; and 10-2-8.

EXPLANATION: OAC 340:10-2-8 is revised to: (1) increase the daily participation allowance paid to Temporary Assistance for Needy Families (TANF) recipients when they participate in most TANF Work activities; and (2) add clarifying language.

Original signed on 3-30-09

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Mary Stalnaker, Director  
Family Support Services Division

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Sandra Harrison, Coordinator  
Office of Legislative Relations and Policy

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WF # 09-01 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

### **REMOVE**

340:10-2, Table of Contents

340:10-2-8

### **INSERT**

340:10-2, Table of Contents, 1 page only,  
revised 4-1-09

340:10-2-8, pages 1-12, revised 4-1-09

**SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)  
WORK PROGRAM**

## Section

- 340:10-2-1. Work requirements
- 340:10-2-2. Sanction process
- 340:10-2-3. Employability planning
- 340:10-2-4. Employment
- 340:10-2-5. Job search activities
- 340:10-2-6. Job readiness
- 340:10-2-6.1. Educational services
- 340:10-2-7. Training
- 340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services
- 340:10-2-9. Welfare to Work (WtW) **[REVOKED]**



**340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services**

Revised 4-1-09

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of the participant's employability plan to become self-supporting.

(1) Payments are authorized for items or services directly related to employment as an outcome.

(2) When support services are available and part of the employability plan, the participant's failure to cooperate in obtaining the support services constitutes a failure to participate in the TANF Work program.

(3) Items and services covered by the participant's medical card are not paid for by the support service fund.

(4) The only support services available to an applicant are the participant allowance and work activity payment. ■ 1

(5) Payments are not authorized for reimbursement of expenses already paid by client or others.

(b) **Flexible funds.** The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. ■ 2

(1) Flexible funds are not available to the applicant. ■ 3

(2) To be eligible for flexible funds, the participant must:

(A) otherwise be ready to participate in a required work activity for the minimum number of hours;

(B) have a guaranteed offer of employment; or

(C) be employed.

(3) Payments for the services through flexible funds are not an automatic entitlement to the participant.

(4) Flexible funds are not used for fines including traffic fines or any cost related to a criminal offense such as legal fees or court costs.

(5) Human services center (HSC) staff has final authority to determine authorizations. ■ 4

(6) One-time payments of specific services are allowed after the service is rendered. ■ 5

(7) Ongoing maintenance payments are not allowed.

(8) Relatives of the client are not eligible for payment. See OAC 340:10-9-1 for degree of relationship.

**(c) Other support services.**

(1) **Work activity payments.** Work activity payments are issued to persons participating in or ready to participate in assigned work activities when they have need of a small amount of cash to purchase specific items to aid them in participating in their assigned work activities such as a tank of gas, clothing, or personal items. ■ 6 The maximum amount approved cannot exceed \$40 per month.

(2) **Participant allowances.** Daily cash allowances, up to a maximum of \$13 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. ■ 7

(A) Lunch hours and travel time are not included as actual hours of attendance.

(B) For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance.

(C) The participant makes appropriate daily entries on Form 08TW013E, Time and Progress Report, to document actual hours in attendance and submits it to the worker by the time frame shown on the form. ■ 8

(D) The daily allowance paid is: ■ 9

(i) \$8 each day when the work activity equals four hours or less; or

(ii) \$13 each day when the work activity equals more than four hours.

(3) **Oklahoma State Bureau of Investigations (OSBI) background checks.** OSBI background checks may be requested for a participant who is placed in job skills training that requires an OSBI background check as a prerequisite for employment. The job skills training can include vocational training, hands-on work experience, or public or private sector work experience. The participant is advised of the requirement and Form 08AD060E, Request for Release of Information, is completed. ■ 10

(4) **Child care.** Child care arrangements are made for each child(ren) in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form 08TW002E, TANF Work/Personal Responsibility Agreement. When the person begins active participation in TANF Work activities, child care services are documented. ■ 11

(5) **Transportation contracts.** Transportation contracts are initiated to provide transportation for TANF recipients who have no means of transportation to access required TANF Work training activities. ■ 12 To initiate a transportation contract, HSC staff contact the Family Support Services Division TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF Work participant or a child(ren) receiving a TANF benefit, who has an application for disability pending with the Social Security Administration (SSA) or who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits. ■ 13

(A) The worker makes a referral to the OKDHS contracted law firm to assist the recipient(s) with the: ■ 14

- (i) application;
- (ii) reconsideration;
- (iii) Administrative Law Judge hearing; and
- (iv) review by the SSA Appeals Council.

(B) The evaluation of merit determines if the appropriate SSA test for disability would be met if evidence was available to prove all conditions claimed by the TANF recipient. If the evaluation of merit determines there is:

- (i) sufficient evidence, the law firm represents the TANF recipient. ■ 15

(I) Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council.

(II) In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without advance payment, the contracted law firm assists with the pending application for disability through an unfavorable decision by the SSA Appeals Council; or

(ii) insufficient evidence to prove conditions claimed by the TANF recipient, no further services are provided by DAP. Representation by the law firm ceases at any time the law firm determines there is insufficient evidence to support the TANF recipient's claim for disability benefits. ■ 16

## **INSTRUCTIONS TO STAFF 340:10-2-8**

### **Revised 4-1-09**

- 1. Participant allowances and the work activity payment are appropriate for a person who has agreed to comply with work activities during the 60-day period following closure for non-compliance with Temporary Assistance for Needy Families (TANF) Work activities.**
- 2. The flexible fund guidelines are listed in (1) through (32) of this Instruction. The maximum amount that can be authorized is \$750 per object code, unless the appropriate area director or designee approves the authorization for an amount above \$750. Dental can be approved in an amount up to \$2500 without area director or designee approval. For a dental expense above \$2500, the worker contacts Family Support Services Division (FSSD) TANF Section.**

**(1) Eye examinations. This service can be utilized when it is determined there is a need for an eye examination.**

**(2) Eyeglasses - single vision. This service can be utilized when it is determined there is a need for eyeglasses. Payment for contact lens can be approved when it is determined to be more cost efficient or beneficial to the client.**

**(3) Eyeglasses - bifocal or trifocal. This service can be utilized when it is determined there is a need for eyeglasses.**

**(4) Dental.** This service can be utilized when it is determined there is a need for dental services.

**(5) Vaccinations.** To be eligible for vaccinations such as Hepatitis B or tetanus, the participant must be otherwise ready to participate in the work activity that requires the vaccination.

**(6) Work tolerance.** This service is authorized to determine the participant's ability to participate in specific work activities. Form 08TW027E, Work Tolerance Report, and Form 08HI003E, Authorization to Disclose Medical Records, must be completed when this service is authorized. Copies of Form 08TW027E and Form 08HI003E are filed in the case record.

**(7) Weight control programs.** This service can be utilized when it is determined that losing weight would enhance employability for the participant.

**(8) Uniforms or special clothing.** This service can be utilized when the training facility or employer requires a uniform specifically required for the job or protective items such as hard hats, goggles, or gloves.

**(9) Clothing and/or shoes.** This service can be utilized when it is determined there is a need for clothing and/or shoes.

**(10) Special equipment.** This service can be utilized when the training facility or employer requires special equipment for the job, such as tools.

**(11) Self-employment.** This service can be utilized when the participant has a need for items that allow for implementation or continuation of self-employment.

**(12) Licensure fees, certification, or bonding.** To be eligible for this service, the participant must verify that license, certification, or bonding is required for employment.

**(13) Automobile repair and maintenance.** To be eligible for automobile repair, the automobile must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21.

**(A) Two free estimates, when possible, are required for repairs.**

- (B) The case record must contain a statement from a qualified person as to whether the vehicle is worth repairing based on the age and overall condition.**
- (C) If parts are purchased separately for installation by other than a regular vehicle repair business, a statement must be provided by the repair person that the parts were installed in the correct vehicle.**
- (D) This service can also include the expense for tires and a battery, if it is determined that without them the vehicle is inoperable or unsafe.**
- (E) The service does not include expenses for body repair, painting, or sanding.**
- (14) Driver license. This service can be utilized for a private and/or commercial license needed to operate a motor vehicle by a TANF Work participant. The loss of a driver license due to a traffic offense or fine is not paid with this fund.**
- (15) Automobile tags, title, and tax. The automobile to be tagged must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21. This service includes excise tax and transfer of title.**
- (16) Automobile insurance. The automobile to be insured must be owned or co-owned by the participant, his or her spouse, or the participant's parent if the participant is under age 21.**
- (17) Relocation and moving expenses. To be eligible for relocation and moving expenses, utility or rent deposits, the participant must relocate to accept employment. The employment must be located more than the locally accepted commuting distance from the participant's home.**
- (18) Reserved for future use.**
- (19) Automobile purchase. This service is authorized when it is determined the only option available to meet the transportation needs of the participant.**

**(20) Automobile down payment.** This service is authorized when it is determined the only option available to meet the transportation needs of the participant.

**(21) Rent and utilities.** This service can be utilized for an emergency shelter need.

**(22) General Educational Development (GED) examinations.** This service is utilized for persons who meet the criteria for taking the GED examination or retest.

**(A)** The participant makes application for the examination or retest through the local adult learning center, which sends the application to the State Department of Education (SDE). A second application to SDE must be completed prior to being accepted for retesting. Subsequent examinations are authorized only following additional educational instruction with a review and update of the employability plan.

**(B)** SDE sends an authorization letter to the qualified participant. The participant contacts the worker for a flexible fund authorization. SDE sends the participant's score directly to the participant. When the participant attains a qualifying score, SDE sends a Certification of Equivalency. The participant notifies the worker upon receipt of the score.

**(23) Non-contractual transportation.** This service can be utilized only when a human services center (HSC) is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the HSC.

**(24) Non-contractual training.** This service can be utilized when short-term training courses are not covered by existing local contracts. This includes vocational classes and job readiness training.

**(25) Learning disabilities screening.** This service can be utilized to assess a participant for learning disabilities. Adult learning centers can provide this assessment.

**(26) Child care fees.** This service can be utilized when child care arrangements have been made and the participant needs assistance

paying an enrollment or activity fee. These funds are not available for the actual child care costs.

(27) Past due automobile payments. This service can be utilized to prevent repossession when transportation is essential to continue a work activity.

(28) Automobile inspection fee. This service can be utilized to have an automobile professionally inspected prior to purchase.

(29) Tow charge. This service can be utilized when it is necessary to tow a vehicle for repair.

(30) Household items. This service can be utilized to purchase or repair essential household items to prevent disruption of a work activity.

(31) Personal care items. This service can be utilized for personal care items in excess of the \$40 work activity payment.

(32) Health related. This service can be utilized for health related expenses not covered by SoonerCare (Medicaid), such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations not paid by an employer or training provider.

3. In addition to active TANF clients, clients who are in special medical, Work Supplementation, or continuing medical benefit status may receive flexible funds. A client whose TANF benefits are terminated on a 52A or a 52B closure code can also be considered eligible as a participant if he or she signs a new or updated Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, and agrees to cooperate with TANF Work within 60 calendar days of the closure. There must be an open TANF Work authorization that shows the work activity agreed upon by the client and worker.

4. The worker must:

(1) determine on a case-by-case basis if the service is available through any other resource, which includes other Oklahoma Department of Human Services (OKDHS) programs, local churches, and civic groups;

(2) negotiate for goods and services for the participant at the least possible cost and determine if the labor cost can be reduced or donated;

- (3) not include state or local taxes in the negotiated amounts;
  - (4) pre-determine and authorize any payment or service by signing the Authorization to Purchase form; and
  - (5) inform the participant to sign the Authorization to Purchase form only after the service has been rendered.
- 5. (a) The payment screen is accessed through the online Finance Division system or the Finance Applications Web site on the InfoNet.
  - (1) Data entered on the provider includes federal identification number, address, and telephone number.
  - (2) The worker enters on the same screen:
    - (A) case number;
    - (B) cash amount of the service;
    - (C) the object code found on OKDHS Appendix H-4, Flexible Accounts; and
    - (D) a description of the service to be provided to the participant. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.
  - (3) When all the information is entered, the completed form is printed and given to the participant.
- (b) The county director or designee is responsible for periodically monitoring the expenditures from the flexible fund account.
- 6. The work activity payment is authorized through the ETPANEW screen. This payment can be issued as needed up to a maximum of \$40 per month. This payment is not issued routinely to supplement monthly living expenses. All payment amounts and reasons for issuing payment must be documented in Family Assistance/Client Services (FACS) Case Notes.
- 7. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), or on-the-job training (TT).

Refer to OAC 340:10-2-1 for the payment of participation allowances for holidays and excused absences.

8. Form 08TW13E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 20th of the current month and pages three and four by the fifth of the next month.
9. The worker enters the hours per day that the participant participates in TANF Work activities in the ETPANEW transaction using information provided by the recipient on Form 08TW013E for that month. The worker rounds down to the next whole hour any portion of an hour equal to or less than 29 minutes. The worker rounds up to the next whole hour any portion of an hour equal to or greater than 30 minutes.
10. The worker accesses Oklahoma State Bureau of Investigation (OSBI) background requests through the FSSD TANF home page on the OKDHS InfoNet.
  - (1) At the bottom of the TANF home page, there is a link to the online OSBI form.
  - (2) All applicable fields must be completed on this form.
  - (3) When completed, the worker clicks the submit information button to send the request for processing.
  - (4) A response is sent to the requesting worker as soon as possible.
  - (5) The response is retained in the case record in a section marked confidential.
  - (6) The worker mails a copy, if required to the requesting facility.
11. Purchased child care is arranged and claimed in accordance with OAC 340:40.
12. TANF clients who are in the Work Supplementation Program, special medical, or continuing medical benefit status continue to be eligible to receive transportation services.

**13. A referral is made to the Disability Advocacy Program if the TANF Work recipient does not have current legal representation through a private attorney.**

**14. See OKDHS Appendix DAP-1, Legal Aid Services of Oklahoma, Inc., for the listing of the offices of the contracted law firm.**

**(1) The referral is initiated by use of Form 08TA010E, Referral for the Disability Advocacy Program.**

**(2) The TANF Work recipient completes and signs Form 08TA010E, Part I, and the reverse side, Request for Release of Disability Information. If the person referred is a minor child(ren), the parent or guardian signs for the child.**

**(3) The worker faxes the signed and completed Form 08TA010E to the appropriate Legal Aid office.**

**(4) The contracted law firm completes Form 08TA010E, Part II, completed by the contracted law firm within ten working days of completion of the evaluation of merit.**

**15. The law firm is responsible for:**

**(1) interviewing the referred recipient;**

**(2) reviewing Social Security Administration (SSA) files;**

**(3) obtaining existing medical records;**

**(4) obtaining non-medical evidence;**

**(5) arranging medical examinations;**

**(6) obtaining evaluations of residual functional capacity;**

**(7) completing and submitting required SSA forms;**

**(8) submitting evidence to SSA; and**

**(9) advocating, formally or informally, on behalf of the recipient.**

**16. The law firm is responsible for reporting to the worker by memorandum or electronic mail within ten working days if the referral lacks sufficient merit to proceed at any stage of the process or if the recipient fires the law firm, fails to cooperate with the law firm, or refuses to pursue any stage of administrative appeal through a decision by the SSA Appeals Council. Also reported is the:**

**(1) filing of an SSA application;**

**(2) SSA initial decision;**

**(3) request for an SSA reconsideration;**

**(4) SSA reconsideration decision;**

**(5) request for an Administrative Law Judge hearing;**

**(6) SSA hearing decision;**

**(7) decision by the SSA Appeals Council; and**

**(8) current status of the referral, if no report has been made in the previous three months.**