
POLICY TRANSMITTAL NO. 05-42	DATE: AUGUST 31, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-1-4; 10-2-2; and 10-2-3.

EXPLANATION: OAC 340:10-1-4 Instructions to Staff (ITS) 1 is revised to reference current rule.

OAC 340:10-2-2 ITS 3 and 4 are revised for clarity. ITS 5 is revised in accordance with OAC 340:50-11-27.

OAC 340:10-2-3 ITS 1 is revised for clarity regarding assessments for minor parent payees and ITS 6 is added to clarify when assessment results are submitted with the Form TW-3, Interagency and Information.

Original signed on 8-31-05

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WF # 05-T (PMC)

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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

REMOVE

INSERT

340:10-1-4

340:10-1-4, 1 page only, revised 9-1-05

340:10-2-2

340:10-2-2, pages 1-7, revised 9-1-05

340:10-2-3

340:10-2-3, pages 1-5, revised 9-1-05

340:10-1-4. Conditions of eligibility

Both federal and state laws specify that assistance is available to those persons who meet certain conditions of eligibility. Receipt of Temporary Assistance for Needy Families has been restricted to a lifetime limit of 60 months, whether consecutive or not, effective October 1, 1996. The time limit can be extended when a hardship extension has been approved. ■ 1

INSTRUCTIONS TO STAFF

1. Refer to OAC 340:10-3-56(a)(2)(F).

340:10-2-2. Sanction process

(a) **Applicability.** The sanction process provides for the determination of good cause and the use of penalties for individuals who refuse or fail to participate in assigned work activities. ■ 1

(b) **Failure or refusal to participate.** It is the responsibility of the social services specialist to make the determination that an individual has refused or failed to participate without good cause in an assigned work activity.

(1) Refusal to participate occurs when an applicant or recipient states orally or in writing that he or she will not participate or continue to participate in work activities. Refusal also occurs when an individual's action or inaction indicates the individual, without good cause for refusing, will not participate in the program.

(2) Failure to participate in the program includes failure to:

(A) assist in the assessment and development of employability plans which includes screening for substance abuse and literacy;

(B) attend orientation, scheduled meetings, or assessments;

(C) maintain a minimum of required hours in scheduled activities; ■ 2

(D) accept or maintain appropriate employment;

(E) report absences from the work activity to the social services specialist, facility coordinator, or employer; or

(F) comply with a substance abuse treatment plan.

(c) **Failure to participate without good cause.** The individual must be contacted to determine good cause. ■ 3 If it is determined at this contact that good cause does exist, the social services specialist assists the individual with either updating the employability plan or helping the individual resume the activity as soon as possible. ■ 4 If it is determined there is not good cause for failure to participate or no contact was completed, the social services specialist closes or denies the cash assistance. ■ 5

(d) **Determination of good cause.** All good cause situations are temporary in nature. An individual may have good cause for refusing or failing to participate in Temporary Assistance for Needy Families (TANF) Work. The social services specialist determines

whether or not good cause exists. ■ 6

(e) **Procedure following denial of cash assistance.** When an application for cash assistance is denied for failure to participate in the work activity without good cause, a new application must be completed.

(f) **Procedures following termination of cash assistance.**

(1) When there has been no contact with the individual 30 days after the effective date of closure, the social services specialist makes a home visit to determine the family's circumstances and offers appropriate services, unless the social services specialist's personal safety is in question. ■ 7

(2) Individuals who agree to participate within 60 days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. ■ 8 The effective date of the recertification is dependent upon the successful participation of the individual in an assigned work activity and the circumstances of the case. ■ 9

(g) **TANF hearing.** An individual who responds to a written notice of denial or termination of cash assistance as a result of failure or refusal to participate in work activities, and the matter cannot be resolved locally, is assisted in requesting a hearing before a hearing officer in accordance with OAC 340:2-5. ■ 10

(h) **Grievances and appeals by employees of Work Experience Program (WEP), Work Supplementation Program (WSP), and On-the-Job Training (OJT) facilities.** Grievances may be filed by employees of facilities where work participants are assigned to WEP, WSP, or OJT, when they believe they have been harmed by the violation of one of the assurances in paragraph (1) of this subsection.

(1) WEP, WSP, or OJT assignments must not:

(A) result in the displacement of any currently employed worker or position, including partial displacement, such as a reduction in hours or non-overtime work, wages, or employment benefits;

(B) impair existing contracts for services or collective bargaining agreements;

(C) result in the employment or assignment of a participant, or the filling of a position, when any other person is on lay-off from the same organizational unit,

or when an employer has terminated any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created by hiring a participant whose wages are subsidized under this program;

(D) infringe in any way upon promotional opportunities of any currently employed individual; or

(E) result in the filling of any established unfilled position vacancy by a participant assigned.

(2) If an employee or authorized representative wishes to file a grievance for any of the reasons stated in paragraph (1) of this subsection, the request is submitted in writing to the attention of the county director of the county in which the alleged violation occurred. The request contains the date of the request, the date of the alleged violation, and a description of the alleged violation including the effect on the regular employee. The letter is signed by the regular employee or authorized representative and includes the mailing address and telephone number of the person signing the grievance.

(3) The social services specialist contacts the individual making the request within ten calendar days from the date of receipt of the request in the local office, and attempts to resolve the grievance on an informal basis. If the grievance cannot be resolved on an informal basis within the ten calendar days, the case is referred to the county director for review and assistance in resolving the grievance. If the grievance is not resolved within ten calendar days from the date of referral to the county director, the county office notifies the employee in writing of the point(s) still at issue in the grievance. The employee is advised of the right to request a fair hearing within 30 calendar days of the date of this decision. The 20-day period allowed for resolution of the grievance is part of the 90-day period allowed for disposition of the appeal if the employee appeals.

INSTRUCTIONS TO STAFF

- 1. The worker ensures individuals fully understand their rights and responsibilities and the possible consequence of refusal to participate.**
- 2. If Form TW-13, Time and Progress Report, indicates excused absences or holidays, the worker is not required to contact the individual regarding good cause, unless the number of excused absences indicate the need for support services.**

3. The **Family Assistance/Client Services (FACS)** case notes must clearly document the worker's efforts to contact the individual. The preferred contact is a face-to-face interview or discussion over the phone; however, the worker may use Form ADM-92, County Client Contact and Information Request, to contact the individual.
4. The case record and **FACS case notes** must clearly document when good cause is established and if there is an updated employability plan.
5. **FACS** case notes must clearly document that a refusal or failure to participate is without good cause.

(1) The Fin. Assistance tab is coded with TANF Work sanction (52A or 29B) to close the case.

(2) Food benefits are closed the same effective date as the TANF closure. The previous TANF payment standard applies to the Food Stamp Program as Food Stamp Penalty Income (FSPI).

(3) The Medicaid benefit is extended for a three-month certification period.

(4) If the case has an open child care authorization, the continued need for child care must be addressed.

(5) FSPI is ended using the Food Stamp Penalty Update (FSPU) transaction when the:

(A) TANF cash assistance is recertified within 60 days of the effective date of closure;

(B) individual becomes employed; or

(C) individual has not complied with TANF Work requirements within 60 days from the effective date of the TANF closure.

6. An example of good cause is:

(1) appropriate child care for the child(ren) is not available. Appropriate child care is care provided by:

- (A) a licensed, contracted child care facility;**
 - (B) an approved in-home caregiver;**
 - (C) a dependable relative who is able and willing to assume responsibility for care and supervision of the child for a part of the day;**
 - (D) a free or low cost facility, such as a day care, pre-school, or Head Start program operated by a community action agency; or**
 - (E) informal arrangements made by the parent with a neighbor or friend for occasional care;**
- (2) the custodial parent caring for a child who has not attained six years of age has demonstrated an inability to obtain needed child care. This is demonstrated by the unavailability:**
- (A) of appropriate child care within a reasonable distance from the individual's home or work site. A reasonable distance is a distance determined and agreed upon by the parent and the worker and is dependent upon the individual needs of the parent and child(ren);**
 - (B) or unsuitability of informal child care provided by a relative or provided under other arrangements. Unsuitability of informal child care is an arrangement that does not:**
 - (i) afford the child(ren) adequate care and supervision. Supervision of a child(ren) means the function of observing, overseeing, and guiding a child;**
 - (ii) encourage social development or stimulate the child(ren)'s mental capabilities; and**
 - (iii) afford the child(ren) a safe and stable environment that provides for learning opportunities; or**
 - (C) of affordable child care. Affordable child care is defined as not exceeding the maximum child care cost as indicated on OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule;**

- (3) the illness or incapacity of the participant or any household member who cannot give self-care and for whom special care is unavailable. If the illness or incapacity of the participant or any household member does not appear temporary, refer to OAC 340:10-2-8(c)(6), Disability Advocacy Program;**
 - (4) a court-required appearance or incarceration of the participant;**
 - (5) the participant's attendance at parent and teacher conferences;**
 - (6) a family crisis or markedly changed individual or family circumstances;**
 - (7) the unavailability of planned transportation when needed or the inability to arrange for transportation;**
 - (8) the occurrence of inclement weather which prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;**
 - (9) the lack of necessary social services or work activity;**
 - (10) the assignment or job referral does not meet the appropriate criteria as defined in OAC 340:10-2-3(d);**
 - (11) the refusal to accept major medical services even if such refusal precludes participation in the program;**
 - (12) racial, ethnic, religious, sexual, physical or mental disability, or age discrimination or harassment by an employer or other employees;**
 - (13) a participant is engaged in another work activity that is consistent with the employability plan;**
 - (14) the lack of available treatment in the community for substance abuse or mental health issues affecting the family; or**
 - (15) crisis intervention needed due to domestic violence issues.**
- 7. The FACS case notes must document the home visit and describe the family's circumstances or document the reason the home visit was not made. County Worker Activity (CWA) Report 70 is provided for the 30 day follow-up. A**

contact with Child Welfare may be appropriate prior to or after the home visit.

8. The worker enters the new certification date. This can be a date other than the first day of the month. Action type is certification (1) and reason is "Reopen Cure TANF Work Sanction" (18T). The FSPI must be removed. Refer to the FSPU Transaction by entering M space FSPU.
9. The FACS case notes and Form TW-2, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the individual prior to the recertification of the case.
10. For complaints involving situations covered by Fair Labor Standards, such as excessive hours or environmental conditions, the county director or designee notifies the State Department of Labor.

340:10-2-3. Employability planning

(a) **Scope and applicability.** The employability planning process begins at intake and continues as long as there are employment barriers or family circumstances which interfere with the participant obtaining and retaining employment. The worker and the participant initiate Form TW-2, TANF Work/Personal Responsibility Agreement. In the development of the employability plan, the worker takes into consideration the need for English as a Second Language, basic education, literacy, learning disabilities, counseling or treatment for substance abuse or mental health issues, and crisis intervention for domestic violence. ■ 1 Substance abuse screening is required for every new Temporary Assistance for Needy Families (TANF) participant. ■ 2 Literacy screening is required for individuals who have not obtained a high school diploma or General Educational Development (GED) certificate and have demonstrated a lack of literacy skills. ■ 3

(b) **Interest and ability assessments.** Assessments are required to determine the participant's skills, abilities, and barriers. ■ 4 Assessment tools used are the Washington State Learning Disability Screen, the Test of Adult Basic Education (TABE) locator, the TABE battery, and the Career Occupation Preference System (COPS). ■ 5 These can be obtained through the statewide assessment contract or a community partner.

(1) The use of these assessments provides the worker, participant, assessment specialist, and/or community partners with:

(A) an indication of possible learning disabilities;

(B) a measurement of the participant's skills, abilities, interests, and aptitude;
and

(C) meaningful information to create a valid employability plan.

(2) Participants referred for testing are informed of the use that is made of the test results. Test scores are kept confidential but may be shared with community partners. Referrals for testing are made by use of Form TW-3, Interagency Referral and Information. ■ 6 Participants in formal assessments are eligible for participant allowances and child care.

(c) **Employability planning.** The worker and the participant use the information from the assessment and other relevant information to develop a plan for securing employment. The employability plan includes establishing both short and long term

goals, including specific occupational goals, activities, and services which are necessary to achieve the goals. ■ 7

(1) The employability plan may include staffing with other community partners for assignment to specific work activities, collaboration with other agencies for services such as job placement, training, and education, and the provision of social services. The plan must identify specific needs and activities required to reach the occupational goal and estimated dates for achievement. The plan may include more than one activity at a time based on the participant's specific needs and the hours available. The employability plan is a part of the social services plan for the entire family. It must be realistic and within the participant's ability to complete. ■ 8

(2) The participant is informed that the employability plan is updated as necessary to account for situational changes. The employability plan is reviewed with the participant and updated as changes occur and at the completion of any work activity. ■ 9 If no changes have occurred, the worker reviews the employability plan within six months.

(3) Participants who are employed with income insufficient to close the case must have a plan designed to upgrade employment. These plans must not interfere with current employment.

(d) **Work activities.** Participants are assigned to one or more activities and scheduled the minimum number of hours as required. ■ 10 The participant signs Form TW-2, when any work activity other than the Work Experience Program or Work Supplementation Program is approved.

(1) Assignments must be within the scope of the participant's employability plan.

(2) The assignment must be related to the capability of the participant to perform the task on a regular basis.

(3) The daily commuting time to and from home to the assigned education, employment, or training site is normally less than two hours. Commuting time does not include the time required to transport a child to and from a child care facility. Where longer travel time is normal in the community, the round trip commuting time may not exceed the general community standards.

(4) When child care is required, it must be of the participant's choosing. ■ 11 It must be available during the hours the participant is engaged in any work activity, plus any additional commuting time.

(5) Assignments which are discriminatory in terms of age, sex, race, religion, ethnic origin, or physical or mental disability are not made. ■ 12

(6) The site of the assignment must not be in violation of established and applicable health and safety standards.

(7) The participant is not referred for a work activity unless supportive services necessary for participation are available. The cessation or withdrawal of such services constitutes good cause for refusal to participate.

(8) When the agreed upon employability plan requires hours in excess of the minimum requirement, the participant must participate the agreed upon number of hours.

INSTRUCTIONS TO STAFF

1. **Workers utilize the results of approved screening tools for literacy or substance abuse. Refer to OAC 340:10-2-1 and 340:10-2-6 for the Temporary Assistance for Needy Families (TANF) Work exception for a single custodial parent under 20 who has not completed high school or obtained a General Education Development (GED) certificate. Assessments are not required for minor payee participants as the local school district is responsible for their educational and career needs. A TANF payee younger than 18 years of age, who has obtained a high school diploma or GED can be referred for assessments when there is parental consent. When this TANF payee turns 18 years of age, parental consent is no longer required and assessment referrals can be made.**
2. **If the participant self-declares a substance abuse problem, it is not necessary to administer a substance abuse screen. The age and/or educational status of the participant who self declares a substance abuse problem determines the referral process for further assessments. If the participant is:**
 - (1) 20 years of age or older a referral is made to the designated provider for further assessments;**
 - (2) 18 years of age but under age 20 with a high school diploma or GED a referral is made to the designated provider for further assessments;**

(3) 18 years of age but under age 20 with no high school diploma or GED, the participant can voluntarily agree to a referral to a designated provider for further assessments; or

(4) under age 18, the participant is advised to discuss treatment with his or her primary care physician.

3. The reading level of the TANF participant is updated on Family Assistance/Client Services (FACS) from any approved educational assessment tool.

4. (a) When assessments are completed, the worker must update the Auth AT ASMT tab on FACS to track the results of the assessments. The TANF tracking assessment components are:

(1) substance abuse subtle screening inventory (SASSI);

(2) addiction severity index (ASI);

(3) learning disability;

(4) academic achievement, which includes reading, math, and language; and

(5) career interests, abilities, and values.

(b) It is not necessary to have a participant assessed who is in an approved work activity or has been assessed in the last six months to one year.

5. **Assessment tools.**

(1) The Washington State Learning Disability Screen is a short assessment tool that gives indication of possible learning disabilities not previously identified.

(2) The Test of Adult Basic Education (TABE) locator is an assessment tool used to identify which TABE assessment is given depending on the educational functioning level of the participant.

(3) The TABE measures reading, math, and language levels from grades 0 through 12.9.

(4) The Woodcock-Johnson III, a comprehensive system for measuring general intellectual ability, specific cognitive abilities, scholastic aptitude, oral language, and achievement is administered by the assessment provider when there is an indication of possible learning disabilities.

(5) The Career Occupation Preference System (COPS) is used to identify the participant's interests, abilities, and work values.

6. The appropriate assessment results are submitted with Form TW-3, Interagency Referral and Information, when a referral is made.

7. Techniques useful in helping the participant identify a specific employment goal include joint discussion of individual strengths and exploration of all necessary qualifications, duties to be performed, working conditions, salary, benefits, and chances of promotions.

8. The worker documents the action steps, what resources are being used, specific start dates, and anticipated ending dates on Form TW-2, TANF Work/Personal Responsibility Agreement, Section 7. Failure to specify these steps negates an adverse action taken against the participant. The employability plan may also include multiple activities that the participant may engage in at any one time.

9. The employability plan may be updated by entering new information on Form TW-2, Section 7. The worker and the participant initial the new information.

10. See OAC 340:10-2-1 regarding work requirements.

11. If purchased child care is provided, refer to OAC 340:40.

12. Refer to OAC 340:10-1-3 (a)(12) for the Civil Rights requirements for TANF.