
POLICY TRANSMITTAL NO. 04-07	DATE: APRIL 29, 2004
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-1, Table of Contents; 340:10-1-3; 340:10-2, Table of Contents; 10-2-3; 10-2-4; 10-2-7 through 10-2-9; 340:10-3, Table of Contents; 10-3-2; 10-3-3; 10-3-5; 10-3-10; 10-3-32; 10-3-39; 10-3-40; 10-3-56; 340:10-12, Table of Contents; and 10-12-1.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:10-1-3 revisions amend Department of Human Services to Oklahoma Department of Human Services and expands the civil rights provisions to agree with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

OAC 340:10-2-3 revisions amend language regarding the Welfare to Work Program.

OAC 340:10-2-4 revisions amend language to reflect current usage and clarified existing rules for on-the-job training.

OAC 340:10-2-7 revisions relocate statements for clarity and continuity and amend language to reflect current usage.

OAC 340:10-2-8 revisions eliminate Individual Development Accounts as a TANF support service.

OAC 340:10-2-9 is revoked.

OAC 340:10-3-2 revisions amend language regarding resources to reflect current usage.

OAC 340:10-3-3 revisions amend language regarding resources to reflect current usage.

OAC 340:10-3-5 revisions amend policy regarding Individual Development Accounts and payments made to certain children of Vietnam veterans.

OAC 340:10-3-10 revisions amend language regarding resources to reflect current usage.

OAC 340:10-3-32 revisions clarify rules for earned income.

OAC 340:10-3-39 revisions amend language regarding resources to reflect current usage.

OAC 340:10-3-40 revisions amend language regarding disregard of payments made to certain children of Vietnam veterans.

OAC 340:10-3-56 revisions amend language to reflect current usage and consistency with existing rules.

OAC 340:10-12-1 revisions clarify rules to agree with existing policy.

Original signed on 03-09-04

Mary Stalnaker, Director
Family Support Services Division

Marilynn Knott, Administrator
Office of Planning, Policy & Research

WF # 03-32 (DT)

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 Rules and Policy Management Unit staff at (405) 521-3611.

REMOVE

INSERT

340:10-1, Table of Contents	340:10-1, Table of Contents, 1 page only, revised 5-1-04
340:10-1-3	340:10-1-3, pages 1-2, revised 5-1-04
340:10-2, Table of Contents	340:10-2, Table of Contents, 1 page only, revised 5-1-04
340:10-2-3	340:10-2-3, pages 1-4, revised 5-1-04
340:10-2-4	340:10-2-4, pages 1-10, revised 5-1-04
340:10-2-7	340:10-2-7, pages 1-6, revised 5-1-04
340:10-2-8	340:10-2-8, pages 1-10, revised 5-1-04
340:10-2-9	-----
340:10-3, Table of Contents	340:10-3, Table of Contents, pages 1-2, revised 5-01-04
340:10-3-2	340:10-3-2, pages 1-2, revised 5-01-04
340:10-3-3	340:10-3-3, pages 1-2, revised 5-01-04
340:10-3-5	340:10-3-5, pages 1-9, revised 5-01-04
340:10-3-10	340:10-3-10, pages 1-2, revised 5-01-04
340:10-3-32	340:10-3-32, pages 1-3, revised 5-01-04

REMOVE

340:10-3-39

340:10-3-40

340:10-3-56

340:10-12, Table of Contents

340:10-12-1

INSERT

340:10-3-39, pages 1-4, revised 5-01-04

340:10-3-40, pages 1-5, revised 5-01-04

340:10-3-56, pages 1-10, revised 5-01-04

340:10-12, Table of Contents, 1 page only,
revised 5-01-04

340:10-12-1, 1 page only, revised 5-01-04

SUBCHAPTER 1. GENERAL PROVISIONS

Section

340:10-1-1.

Purpose

340:10-1-2.

Legal base

340:10-1-3.

State Plan for Temporary Assistance for Needy Families (TANF)

340:10-1-4.

Conditions of eligibility

340:10-1-3. State Plan for Temporary Assistance for Needy Families (TANF)

The State Plan covering TANF encompasses the requirements listed in paragraph (1) through (12) of this Section.

(1) **State-wide operation.** The plan is in effect in all counties of the state as a state-administered program.

(2) **Financing.** The Oklahoma State Legislature appropriates funds for financing the TANF program. Federal money is provided by block grant funding in accordance with federal laws and regulations relating to the TANF program. These state and federal funds are used for assistance and administration under the plan.

(3) **Designated state agency.** The state TANF program is administered by the Oklahoma Department of Human Services (OKDHS), with at least one county office in each county in the state, operating under rules and regulations adopted by the Oklahoma Commission for Human Services (Commission).

(4) **Fair hearings.** Any individual whose application for TANF is denied or is not acted upon with reasonable promptness, or who is dissatisfied with the amount of the assistance payment or with any other action taken in regard to his or her assistance payment, is provided an opportunity for a fair hearing with OKDHS.

(5) **Proper and efficient administration.** OKDHS operates under the State Merit System which establishes and maintains personnel standards on a merit basis for certain federal grant-in-aid agencies, including OKDHS. Employees of OKDHS engaged in the administration of the TANF State Plan are covered by the Merit System.

(6) **Reports as required.** The Finance Division:

(A) assists in fulfilling the requirements of state and federal laws by making necessary reports;

(B) cooperates with various federal agencies by providing current and special reports; and

(C) furnishes OKDHS with data necessary for the operation of its programs.

(7) **Safeguarding of information.** Federal and state laws and the rules and regulations adopted by the Commission restrict the use or disclosure of information concerning applicants for or recipients of TANF to purposes directly connected with

the administration of the program.

(8) **Right to apply.** An individual has the right to:

(A) make application for TANF;

(B) expect an investigation of eligibility; and

(C) a prompt decision by OKDHS in regard to the application.

(9) **Assistance under only one program.** The needs of an eligible person can only be included in one State Supplemental Payment (SSP) or TANF payment.

(10) **Standards for determining eligibility and amount of payment.** Uniform standards for determining eligibility and policies and procedures for such determination are provided in OAC 340:65, and this Chapter. As a means of promoting uniformity and accuracy in determining the basic needs, such as food, clothing, basic drugs, personal items, shelter, utilities, and household equipment of each TANF assistance unit, a flat grant consisting of these requirements is used.

■ 1

(11) **Income and resources.** In determining need for TANF, OKDHS takes into consideration any available income and resources of an individual requesting assistance, except income and resources required to be disregarded by federal or state law or by rules of OKDHS. Income and resources received on behalf of a member of the assistance unit by another individual which include, but is not limited to, a guardian or conservator, is considered available to the assistance unit.

(12) **Civil rights.** The TANF program is administered in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1975, as amended, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Title IX of the Education Amendments of 1972, as amended.

INSTRUCTIONS TO STAFF

1. See Oklahoma Department of Human Services (OKDHS) Appendix C-1, Schedule of Maximum Income, Resource and Payment Standards, Schedule IX.

**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
- 340:10-2-7. Training
- 340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services
- 340:10-2-9. Welfare to Work (WtW) **[REVOKED]**

340:10-2-3. 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. 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. ■ 6

(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. ■ 7

(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. ■ 8 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. ■ 9 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. ■ 10 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.

(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.**
- 2. If the participant self-declares a substance abuse problem, it is not necessary to administer a substance abuse screen. The participant is referred to the designated provider for further assessments.**
- 3. The reading level of the Temporary Assistance for Needy Families (TANF) participant is updated on the computer document from any approved educational assessment tool.**
- 4. 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. (a) The Washington State Learning Disability Screen is a short assessment tool that gives indication of possible learning disabilities not previously identified. When there is an indication of possible learning disabilities, the assessment provider administers the Woodcock-Johnson III, a comprehensive system for measuring general intellectual ability, specific cognitive abilities, scholastic aptitude, oral language, and achievement.**

(b) 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.

(c) The TABE 7/8 measures reading, math, and language levels from grades 0 through 12.9.

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

- 6.** 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.
- 7.** 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.
- 8.** 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.
- 9.** See OAC 340:10-2-1 regarding work requirements.
- 10.** If purchased child care is provided, refer to OAC 340:40.

340:10-2-4. Employment

(a) **Applicability.** Temporary Assistance for Needy Families (TANF) Work activities are designed to assist the participant in obtaining employment to achieve economic self-sufficiency. Work allows participants to enhance their self-esteem and to become more independent. Every effort is made to assist participants in securing jobs which provide financial security and opportunities for advancement. ■ 1 The appropriate employment criteria for subsidized and unsubsidized employment are included in paragraph (1) through (5) of this subsection.

(1) Appropriate employment may be temporary, permanent, full-time, part-time, or seasonal work, as long as the daily and weekly hours of employment do not exceed those customary to the occupation.

(2) The wage must meet or exceed the federal or state minimum wage laws or the prevailing rate for similar employment, whichever is applicable. The state law applies when federal law does not cover the job.

(3) A participant is not required to accept employment if the position offered is vacant due to a strike, lockout, or other bona fide labor dispute.

(4) A participant is not required to work for an employer if this is contrary to the conditions of membership in the union governing that occupation. Employment not governed by the rules of the union to which the participant belongs may be appropriate.

(5) A participant is not required to accept employment that results in the net loss of income.

(b) **Unsubsidized employment.** The State Work Incentive Program and any employment for which the employer does not receive reimbursement for any portion of the wages paid are examples of unsubsidized employment.

(1) **State Work Incentive Program.** The State Work Incentive Program is designed to assist in employing TANF participants into entry level positions in all branches of state government. Oklahoma Department of Human Services (OKDHS), in cooperation with other state agencies and the Office of Personnel Management, coordinates job placements for those TANF participants who are referred for the program by Form TW-23, State Work Incentive Referral. ■ 2 Employment of eligible participants can be considered for positions of unclassified status for a two year period in a full-time or part-time capacity. These positions are not included within any limitation on full-time equivalent employee positions for any agency.

Participants hired under this program are eligible for leave and other benefits that are available to other state employees, subject to other eligibility requirements, and may be reassigned or promoted while they are in the program. Participants hired are exempt from probationary hiring procedures. They can be considered for conversion to the permanent classified status after two years of continuous participation in the program. Requirements for placing employees in permanent status include:

- (A) completing satisfactory performance ratings which are conducted during employment;
- (B) having possession of the minimum requirements stated in the job specifications; and
- (C) passing the required entrance examination for the applicable job specification.

(2) **Other unsubsidized employment.** Unsubsidized employment includes any employment in which a participant is hired by a private or public employer and there is no reimbursement of any portion of the wages paid to the recipient.

(c) **Subsidized employment.** The Work Supplementation Program (WSP), on-the-job training (OJT), and Supported Transitional Employment Program (STEP) are examples of subsidized employment. The employment criteria in subsection (a) apply.

(1) **WSP.** WSP is a subsidized employment opportunity through which a TANF participant is hired in full-time employment with OKDHS reimbursing the employer for wages paid at a maximum of \$250 per month for up to six months. Public agencies, nonprofit private agencies, and private employers are eligible to participate. Payments to employers and supplemental payments to WSP participants are made from a wage pool created by diversion of the TANF participant's cash assistance. State agencies expressing an interest in participating in the program are informed that the \$250 reimbursement cannot be used to claim matching federal funds. If, for any reason in any given month, a WSP participant is paid less than the amount of his or her cash assistance at the time of entry into the program, the WSP participant will receive a supplemental check. WSP participants are entitled to all benefits from the employer which are available to other employees. Participation is limited to one adult per assistance unit and to a six-month period during the lifetime of the participant. The six-month period may or may not be consecutive or with the same employer. Participants are assigned based on their employability plan and the availability of appropriate and willing employers. The

employer retains the satisfactory WSP participant on a permanent basis following the contract period.

(A) Participant requirements. TANF participants must:

- (i) be included in a cash assistance unit;
- (ii) be available for immediate employment;
- (iii) have participated in Job Search; and
- (iv) be assigned to a job at a salary exceeding their cash assistance.

(B) Position requirements. Positions must be permanent, not less than 30 hours per week, and pay at least 65 cents above the federal minimum wage. Tips are not considered part of the wages. All contracts must conform to the Equal Employment Opportunity Commission and fair employment practices, for example, nondiscrimination regarding age, race, sex, national origin, or disability. Contracts are not written for positions: ■ 3

- (i) when there is a strike, lockout, or the contract would cause displacement of other employees;
- (ii) that involve commission sales when the federal minimum wage is not guaranteed; or
- (iii) that are casual, intermittent, or seasonal labor.

(C) Recruitment of employers. ■ 4 The employer can be asked to identify potential positions during the initial interview to facilitate contract negotiations and match TANF participants with employers. ■ 5

- (i) The program explanation emphasizes that employers are expected to retain the WSP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful WSP participant's employment without good cause are not granted subsequent contracts. Good cause reasons for dismissal are:
 - (I) lay-off due to economic reasons which result in a reduction in force;
 - (II) the employee is frequently absent from work or engages in disruptive or inappropriate behavior; or

(III) the employee is unable to perform at an acceptable skill level.

(ii) Before new or additional contracts are written with an employer, WSP employees or other employees in lay-off status must be recalled.

(iii) The county has the responsibility for ensuring the employer is complying with the contract.

(D) **WSP placements.** The worker arranges interviews between participants and potential employers. WSP participants may begin employment any time during the month. The employer is informed that reimbursement begins the first month after the cash assistance is diverted to the wage pool.

(i) Following the employer's agreement to participate and the employer's selection of a TANF participant, the worker negotiates the contract with the employer. Negotiation must include the beginning date of employment, the salary the employee will be paid, and the number of months the subsidy will be received. ■ 6

(ii) Upon receipt of the contract, the county director reviews it for completeness and, if approved, signs and dates the contract. ■ 7 The worker delivers the employer's copy of the contract with a supply of Form TW-18, Work Supplementation Program Invoice, and a copy of the instructions for the form. The worker contacts the participant and Form TW-6, Work Supplementation Program Participant Agreement, is completed in duplicate and signed by the worker and participant. ■ 8

(iii) If a contract is not approved, a letter is mailed to the employer explaining the reason for the disapproval. ■ 9 The participant is notified that the contract was not approved and that a placement will be negotiated with a new employer.

(E) **Program procedures.** The procedures for programs listed in unit (i) through (iv) of this subparagraph are used.

(i) **Cash assistance.** Under WSP, eligibility for cash assistance is frozen. During the period of participation, the cash assistance unit cannot be determined ineligible. ■ 10

(ii) **Medical services.** WSP participants continue to be eligible for medical services unless found ineligible for a reason other than earned income.

(iii) **Food stamp benefits.** WSP participants may be eligible for food stamp benefits. Eligibility for food stamp benefits is determined based on OAC 340:50-11-20. ■ 11

(iv) **Child care.** Child care plans must be explored with each WSP participant. When purchased child care services are required, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule.

(F) **Wage pool payments.** Under WSP, the diversion of the cash assistance creates a wage pool from which payments are made to employers and cash assistance supplemental payments are issued to WSP participants.

(i) **Payment of employers.** Employers are eligible for reimbursement of the first \$250 of the gross wages paid to each WSP participant. Payment to the employer is made the month following the month the cash assistance is diverted to the wage pool. Employers file for reimbursement by submitting Form TW-18 to the county office at the first of the month. ■ 12 When a business changes ownership, the WSP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to a claim for reimbursement for that month.

(ii) **Supplemental payments to WSP participants.** The Family Support Services Division (FSSD) issues supplemental payments for months in which income shown on Form TW-18 is less than the amount of the WSP participant's cash assistance prior to entering the program.

(G) **Terminations.** ■ 13 The closing date of the authorization is the last day of employment under the contract. When employment ends prior to the end of the contract, the authorization must be closed prior to the next deadline for cash assistance changes. ■ 14

(2) **OJT.** OJT is subsidized employment in which a participant is hired by a private or public employer and, while engaged in productive work, receives training that provides knowledge or skills essential to the full performance of that job. During the OJT period the employer receives reimbursement for a portion of the wages paid to the employee.

(A) Participants who have successfully completed the Work Experience Program, have a recent history of employment, or who have been through a job readiness activity are the primary candidates for OJT referral. ■ 15

(B) Income from OJT is considered as any other earned income. Transitional child care and medical benefits are explained to the participant at the time of entry into OJT.

(3) **STEP.** STEP is a subsidized employment program which provides comprehensive support services that lead to permanent employment placements for TANF participants. These services are contracted with specified vendors who provide temporary paid work experience to program participants in a supportive work environment. When the participant is accepted into the program, his or her TANF benefit remains active with no cash benefit issued. If eligible, the participant continues to receive other program benefits. ■ 16

(d) **Work Opportunity Tax Credit (WOTC).** ■ 17 The WOTC law permits for-profit employers to take a credit on their federal income tax when workers from certain groups are hired. The WOTC is equal to 40% of the first year wages up to \$6,000. To claim the credit, the employee must be retained at least 180 days or work at least 400 hours.

(1) WOTC is available to employers for workers hired from targeted groups. The targeted groups are:

(A) cash assistance recipients who have received assistance for nine months out of the last 18 months;

(B) qualified veterans; ■ 18

(C) qualified ex-felons; ■ 19

(D) high-risk youths; ■ 20

(E) vocational rehabilitation referrals; ■ 21

(F) qualified summer youth employees; ■ 22

(G) qualified food stamp recipients; and ■ 23

(H) qualified recipients of Supplemental Security Income (SSI). ■ 24

(2) Through an agreement with the Oklahoma Employment Security Commission, OKDHS issues WOTC conditional certification forms for recipients of OKDHS benefits.

(3) The Conditional Certificate, Form ETA-9062, and a letter from the worker stating the number of months the participant has received OKDHS benefits must be given to the participant to present to the employer on or before the first day of employment. An explanation is given to the participant about the purpose of the form and that the tax credit may help the participant get a job.

INSTRUCTIONS TO STAFF

- 1. The authorization for part-time employment remains open as long as either the participant receives cash assistance or the part-time activity is maintained. The authorization for full-time employment shows a beginning date and remains open until the employment ends or the case closes.**
- 2. If a referral of a Temporary Assistance for Needy Families (TANF) participant is requested by another state agency, Form TW-23, State Work Incentive Referral, is completed by the worker and given to the participant to take to the other state agency. If a participant is referred to a Oklahoma Department of Human Services (OKDHS) office, no referral form is needed. Documentation of all referrals and outcomes must be kept in the county case record.**
- 3. The worker reviews available positions and consults with the participant and other staff to determine the most appropriate placement.**
- 4. The worker recruits employers to participate and explains the forms and procedures.**
- 5. The county director is consulted regarding the appropriateness of writing contracts with employers who experience constant turnover in staff or who have experienced reductions in staff.**
- 6. Upon completion of the negotiations, the county office prepares triplicate, typed copies of Form TW-17, Work Supplementation Program Contract, and Form TW-6, Work Supplementation Program Participant Agreement. The worker delivers the prepared contract to the employer for signature and immediately routes the original and two copies to the county director.**
- 7. The original is filed in the case record and a copy is routed to the Family Support Services Division (FSSD), TANF Section.**

8. The original is given to the participant.
9. A copy of the letter and the contract are filed in the participant's case record.
10. Upon receipt of completed Form TW-6 and Form TW-17, the worker determines if the new Work Supplementation Program (WSP) employer is on the provider file. To view provider files, enter P space federal identification number on the IMS network. If the new WSP employer is not on the provider file, the worker enters PU. This transaction brings up a screen that the worker must complete by entering the type of request as N, the business name, address, telephone number, and the federal identification number of the new employer. Once it has been determined the WSP employer is on the provider file, the worker must complete a WS authorization. The worker enters AUW, space, the case number of the participant and completes this screen in accordance with the instructions for the AUW transaction. After the authorization has cleared, the computer automatically updates the case status to Special Medical effective the following regular roll. The cash assistance is automatically diverted to the wage pool. Periodic redeterminations of eligibility are completed as scheduled.
11. If eligible, the household receives food stamp benefits as a Non-Public Assistance food stamp household.
12. Upon receipt, the worker audits the invoice for completeness and compensability. Form TW-18, Work Supplementation Program Invoice, is signed by the county director or designee and routed in accordance with the instructions for the form. The FSSD, TANF Section prepares the claim form for the Finance Division.
13. When a participant completes a WSP contract period or terminates employment prior to completion, the worker must ensure the final Form TW-18 is submitted to FSSD, TANF Section. Care must be taken by the worker to close the authorization and make a determination of need for any continued receipt of cash assistance, medical assistance, food stamp benefits, and social services before the deadline for changes in the last month of the contract period.
14. When it is not possible to close the authorization prior to the deadline in the month in which employment ends, and the participant is eligible for continued assistance, the FSSD TANF Section must be instructed by memo from the

county office to pay the next month's cash assistance from the wage pool. Closure of the authorization and computer input document updates are separate actions which must be completed by the worker at termination of a placement.

15. The worker refers to on-the-job training (OJT) by completing Form TW-3, Interagency Referral and Information.
16. The worker makes a referral using Form TW-3. When the contracted provider has agreed to accept the participant in the program, Form TW-3 is returned to the county office. It is the responsibility of the worker to notify FSSD, TANF Section.
17. Workers inform the employer of the availability of the Work Opportunity Tax Credit (WOTC) as it relates to the WSP. WOTC is available for the portion of the wages actually paid, not including the \$250 reimbursement from the wage pool.
18. A qualified veteran is a person who has received food stamps for at least three consecutive months within the last 15 months.
- 19.(a) A qualified ex-felon is a person who within the last year was either convicted or released from prison and during the last six months was a member of a low income family. The table below outlines the criteria for income guidelines to qualify as low income. These amounts are based on the entire household income over the last six months multiplied by two.

Lower Living Standard Income Levels (effective June, 1999)

Family Size	1	2	3	4	5	6
Metro	\$6,340	\$10,390	\$14,260	\$17,600	\$20,770	\$24,290
Non-Metro	\$6,060	\$9,930	\$13,640	\$16,830	\$19,860	\$23,230

(For each person over six add \$2,820 for both metro and non-metro.)

(b) Metro Counties are: Canadian, Cleveland, Comanche, Creek, Garfield, Logan, McClain, Oklahoma, Osage, Pottawatomie, Rogers, Sequoyah, Tulsa, and Wagoner.

- 20. A high risk youth is between the ages of 18 and 24 on the hiring date and living within an Empowerment Zone or Enterprise Community. For information about Enterprise Communities go to www.hud.gov/ezec/locator/.**
- 21. A Vocational Rehabilitation referral is a participant who has been referred by a rehabilitation agency approved by the State or Department of Veterans Affairs.**
- 22. A qualified summer youth performs services for the employer between May 1 and September 15; is 16 or 17 years of age on the hiring date; has not been employed by the same employer prior to the 90 day summer period between May 1 and September 15; and lives within an Empowerment Zone or Enterprise Community. Due to this short period, the maximum credit is \$1,200 per eligible worker. This amount is based on 40% of qualified wages up to \$3,000.**
- 23. A qualified food stamp recipient is between the ages of 18 and 24 on the hiring date and is a member of a household that received food stamp benefits for at least three of the last five months but is no longer eligible to receive them.**
- 24. A qualified recipient of Supplemental Security Income (SSI) is a person who has received SSI for any month during the 60 days before the date of hire.**

340:10-2-7. Training

(a) **Scope.** Job skills training includes vocational training and hands-on work experience to develop technical skills, knowledge, and abilities in specific occupational areas. ■ 1 All training programs must include qualitative measures, such as competency gains or proficiency levels, to evaluate a participant's progress and reasonable time limits for completion. Referrals are made to appropriate training facilities on Form TW-3, Interagency Referral and Information.

(b) **Assignments.** Any training to which the participant is assigned must meet the criteria in (1) through (4) of this subsection.

(1) The hours of any training activity are governed by the training facility but must not exceed 40 hours per week. ■ 2

(2) The training is preparation for a job which meets the criteria for appropriate employment.

(3) The quality and type of training must meet local employers' requirements so participants are in a competitive position with the local labor market.

(4) Training is related to in-demand occupations which are likely to become available in the state.

(c) **Work Experience Program (WEP).** The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable them to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement. Facilities selected for WEP training must be capable of providing employment and have an apparent intent to hire, or be able to provide quality training. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment. Benefits of the program to participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, brush-up skills already acquired, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job. WEP assignments are approved for an initial period of three months. No salary is paid. With respect to injuries incurred during working hours in WEP, federal law requires that medical coverage be offered under either state workers' compensation law or by the Oklahoma Department of Human Services (OKDHS). Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the Medicaid Program. ■ 3

(1) **WEP referrals.** Participants are referred to WEP slots based on their employability plan. Assignment to a WEP position is coordinated between the participant and worker. Based on the employability plan, the worker determines which facility best meets the participant's needs, arranges for an interview between the facility and the participant, and notifies the participant of the place, time, and interviewer's name. ■ 4

(2) **WEP facilities.** Training facilities are solicited by Oklahoma Department of Human Services (OKDHS) staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 5 Local job market conditions, opportunities for employment following completion of WEP participation as well as the ability of the facility to provide the necessary supervision and training are criteria used when soliciting a facility.

(A) Training slots are developed which meet the employment needs of the participant as determined by the employability plan. When a facility agrees to participate in WEP, the representative of the facility is requested to provide a written description of the type of activities the participant will be involved in, the number of participants the facility can accept, the hours of participation, and any special requirements. ■ 6 & 7

(B) There are two types of WEP training facilities, WEP-Nonprofit (WEP-NP) and WEP-For-profit (WEP-FP).

(i) WEP-NP placement is approved for public and private nonprofit and not-for-profit agencies, organizations, or businesses. When a participant requires additional training, the worker may approve a 60-day extension. Extensions are not granted when the primary purpose is to provide additional help to the facility. The criteria listed in subunit (I) through (VII) of this subsection are used as a guide in determining the appropriateness of requesting an extension beyond the initial three-month period.

(I) The participant needs the additional time for skills to be acquired to meet minimum hiring requirements.

(II) The participant demonstrates a willingness to learn, but needs additional training, including the development of new skills, to be competitive in the labor market.

(III) The facility has agreed to hire the participant, but will not have funds available or a job opening until a specific date.

(IV) The facility has an opening in an area different from the one the participant was trained in and has agreed to hire the participant if additional time is granted for the additional training.

(V) The participant has shown improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting.

(VI) The participant has missed more than two weeks of training due to illness or the illness of a household member.

(VII) There are extenuating circumstances which prevented the participant from receiving full benefit of the training.

(ii) WEP-FP is approved for businesses or entities that operate for profit. Extensions are not approved unless the initial placement did not result in full-time employment. A subsequent placement at the same facility for the participant is not considered. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in subunit (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

(I) The placement matches the participant's employability plan and the career path chosen by the participant.

(II) The employer has committed to hire the participant following the three month placement.

(3) WEP procedures. Upon approval by the county director, the worker contacts the WEP facility to complete Form TW-15, Work Experience Program – Nonprofit Training Agreement, or Form TW-15-A, Work Experience Program – For-profit Training Agreement. The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form TW-13, Time and Progress Report. ■ 8 It is the participant's responsibility to complete Form TW-13, secure the signature of the facility director or supervisor on Part III of Form TW-13, and return the form to the county office by the fifth day of each month. Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, the county sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.

(4) **Non-cooperation by WEP facility.** When information is obtained that the facility is violating the terms and conditions of Form TW-15, Form TW-15-A, or that participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:

- (A) suspension of subsequent assignments at the facility;
- (B) immediate removal of current participants; or
- (C) termination of the agreement. ■ 9

(5) **Notification to participant and facility.** Ten calendar days prior to the anticipated WEP completion date, or at any time the participant becomes ineligible for WEP, the worker notifies the participant by letter or telephone. The worker notifies the facility by letter or by telephone five calendar days prior to the termination. When a participant has been referred to WEP and an appropriate training slot cannot be provided, the worker notifies the participant of this decision.

(6) **Changes in placements and subsequent placements.** When the facility, worker, and participant determine that placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant. ■ 10 When the participant fails to secure employment following successful completion of WEP training, a conference is held with the participant, worker, and supervisor to determine whether a second training placement might be beneficial. The employability plan is reviewed prior to allowing a participant to re-enter WEP training. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:

- (A) participant's ability to secure and maintain full-time employment;
- (B) opportunities for employment in the new field and in the area in which the participant received training;
- (C) participant's efforts to secure employment; and
- (D) length of time between training assignments.

(d) **Job Corps nonresident training program (Job Corps II).** Oklahoma's four Job Corps centers provide a nonresident Job Corps program to TANF participants who can commute to their sites. Participants referred must be ages 16 through 24. Referrals are made by the worker completing Form K-13, Information/Referral - Social Services.

It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care. ■ 11

(1) By special agreement with the Job Corps centers, Job Corps II students are provided Job Corps participant training allowances designed to meet training costs not covered by the TANF cash assistance. These allowances are not considered as income.

(2) The worker coordinates with the centers and other designated agencies, such as Oklahoma Employment Security Commission (OESC) and Workforce Investment Act (WIA), to ensure Job Corps II students leaving the center are placed in an appropriate work activity. When a Job Corps II student leaves the center, the worker meets with the Job Corps II student to make immediate plans for further implementation of the employability plan.

(e) **Vocational training.** Vocational training other than that described in subsection (f) of this Section include, but are not limited to, practicum placements, internships, or proprietary schools and are considered as work activities.

(f) **Special programs and demonstration efforts with other agencies.** OKDHS may enter into special education, training, or employment efforts with federal, state, and local governments, and private for-profit, private not-for-profit organizations, and agencies. When this occurs, the counties involved are expected to comply with the terms of those agreements. ■ 12

INSTRUCTIONS TO STAFF

- 1. Prior to enrolling a participant in a specific training program, the worker must evaluate whether an Oklahoma State Bureau of Investigation (OSBI) background check is a prerequisite for potential employment. This action could prevent an inappropriate placement in a training program that would not best suit the employment needs of the participant. See OAC 340:10-2-8.**
- 2. Work Experience Program (WEP) participation hours can be combined with other countable work activity hours to meet the minimum hours of required participation. See OAC 340:10-2-1.**
- 3. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Office Support Services Division (OSSD) Risk, Safety and Emergency Management Unit on Form ADM-46, Employee's Report of Job-Related Accidental Injury or Illness.**

4. Following the participant's interview with the facility and the facility's acceptance of the participant for training, the worker makes a notation on the copy of Form TW-2, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form TW-14, Work Experience Program - Nonprofit Participant Agreement, is completed at this time. A copy of Form TW-14 is mailed to the facility as notification of the participant's starting date.

5. A contracted entity can include, but is not limited to:

(1) Oklahoma Department of Career and Technology Education (ODCTE);

(2) Oklahoma State Regents for Higher Education (OSRHE);

(3) Workforce Investment Act (WIA); or

(4) Oklahoma Employment Security Commission (OESC).

6. Special requirements are items such as uniforms or special equipment.

7. A written description is forwarded to the county director requesting approval of the training slot.

8. Form TW-13, Time and Progress Report, is computer-generated and mailed monthly to each participant with an open WEP authorization.

9. Family Support Services Division (FSSD) may be consulted for appropriate procedures.

10. See OAC 340:10-2-7(c)(1).

11. Participation must be documented by the worker on the Information Management System by using the ETPANEW transaction.

12. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. County workers are trained and the program is implemented according to the agreement.

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

(a) **Scope.** The worker provides or arranges payments and services for the participant to ensure successful completion of his or her employability plan to become self-supporting. Payments are authorized for items or services directly related to employment as an outcome. 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. Items and services covered by the participant's medical card are not paid for by the support service funds. The only support services available to an applicant are the participant allowance and work activity payment. ■ 1

(b) **Flexible funds.** ■ 2 The intent of flexible funds is to provide a participant with the necessary support services needed to accomplish his or her employment goals. Flexible funds are not available to an applicant. ■ 3 To be eligible for flexible funds, the participant must either be otherwise ready to participate in a required work activity for the minimum number of hours, have a guaranteed offer of employment, or be employed. Payments for the services through flexible funds are not an automatic entitlement to the participant. 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. The county staff has final authority to determine authorizations. ■ 4 One-time payments of specific services are allowed after the service is rendered. Ongoing maintenance payments are not allowed. ■ 5 The provider is paid no later than five days from the date of receipt of the properly completed Authorization to Purchase in the Finance Division. ■ 6

(c) Other support services.

(1) **Work activity payments.** To be eligible for the work activity payment, the individual must be ready to participate in or be in a required work activity and in need of a small amount of cash to purchase items such as a tank of gas, or health, beauty, or personal items. ■ 7 The maximum amount approved cannot exceed \$30 per month.

(2) **Participant allowances.** ■ 8 Allowances, up to a maximum of \$8 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. Lunch hours and travel time are not included as actual hours of attendance. For persons in Job Search, travel time between job interviews and job applications is included as actual hours of attendance. The participant makes appropriate daily entries on Form TW-13, Time and Progress Report, which documents actual hours in attendance. The daily allowance is determined based on (A) and (B) of this paragraph. ■ 9

(A) An allowance of \$5 each day is paid when the work activity equals four hours or less.

(B) An allowance of \$8 each day is paid 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 being 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 ADM-60, Request for Release of Information, is completed. ■ 10

(4) **Child care.** Child care arrangements are made for each child 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 TW-2, TANF Work/Personal Responsibility Agreement. When the individual 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, contact the Family Support Services Division, TANF Section.

(6) **Disability Advocacy Program (DAP).** DAP is available to assist a TANF recipient, adult or child, who has an application for disability pending with the Social Security Administration (SSA). ■ 13 The program is also available for a TANF recipient, adult or child, who does not have an application pending with SSA but who the Oklahoma Department of Human Services (OKDHS) determines has a potentially meritorious claim for such benefits. A referral is made to the OKDHS contracted law firm to assist the recipient(s) with the application, reconsideration, Administrative Law Judge hearing, and review by the SSA Appeals Council. ■ 14 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 sufficient evidence, the law firm represents the TANF recipient. ■ 15 & 16 Statewide this representation consists of assisting the recipient with the application through an unfavorable decision by the SSA Appeals Council. In counties in which representation by a lawyer or experienced non-lawyer advocate is not available without advanced payment, the contracted law firm assists with the pending application for disability through an

unfavorable decision by the SSA Appeals Council. If the evaluation of merit determines there is 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.

INSTRUCTIONS TO STAFF

- 1. Participant allowances and the work activity payment are appropriate for an individual 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. The only exception is dental which can be approved in an amount up to \$2500. For the payment of a dental expense above this amount, contact Family Support Services Division (FSSD), TANF Section. Any exceptions to these guidelines must be approved by the appropriate area office.**
 - (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.**
 - (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 is requiring the vaccination.**
 - (6) Work tolerance. This service is authorized to determine the participant's ability to participate in specific work activities. Form TW-27, Work Tolerance Report, and Form HIPAA-3, Authorization to Disclose Medical Records, must be completed when this service is authorized. Copies of Form TW-27 and Form HIPAA-3 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 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. Two free estimates, when possible, are required for repairs. The case record must contain a statement from a qualified individual as to whether the vehicle is worth repairing based on the age and overall condition. 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. 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. The service does not include expenses for body repair, painting, or sanding.

(14) Driver's 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's license due to a traffic offense or a fine is not paid for through 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 a one-time eviction or utility cut-off notice to prevent disruption of a work activity.

(22) General Educational Development (GED) examinations. This service is utilized for individuals 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 county is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the local county office.

(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 purposes of 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 \$30 work activity payment.

(32) Health related. This service can be utilized for health related expenses not covered by 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. Flexible funds are available for TANF clients who are in special medical, Work Supplementation, or continuing medical benefit status. A client whose TANF benefits have terminated on a 52A closure code can also be considered eligible as a participant if he or she has signed a new or updated Form TW-2, TANF Work/Personal Responsibility Agreement, Section 7, and has agreed to cooperate with TANF Work within 60 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. The county director or designee is responsible for periodically monitoring expenditures from the flexible fund account.**
- 6. The payment screen is accessed through the online Finance Division system. Data entered on the provider includes federal identification number, address, and telephone number. Enter on the same screen case number, cash amount of the service, the object code found on OKDHS Appendix H-4, Flexible Accounts, and 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. When all the information is entered, the completed form is printed and given to the participant.**

7. The work activity payment is accessed through the ETPANEW screen. This payment can be issued as needed up to \$30 a month.
8. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), on-the-job training (TT), or college (EX). EX is not a countable work activity.
9. Participant allowances are determined by using the ETPANEW transaction and entering the hours reported by the recipient on Form TW-13, Time and Progress Report. Any portion of an hour equal to or less than 29 minutes is rounded down to the next whole hour. Any portion of an hour equal to or greater than 30 minutes is rounded up to the next whole hour.
10. Oklahoma State Bureau of Investigations (OSBI) background requests are accessed through the FSSD TANF home page on the OKDHS Infonet. At the bottom of the TANF home page, there is a link to the online OSBI form. All applicable fields must be completed on this form. When completed, click the submit information button to send the request for processing. A response is sent to the requesting worker as soon as possible. The response is retained in the case record in a section marked confidential. A copy, if required, is mailed 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 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. The referral is initiated by use of Form FSS-TANF-4, Referral for the Disability Advocacy Program. Form FSS-TANF-4, Part I, and the reverse side, Request for Release of Disability Information, is completed and signed by the TANF recipient. The signed and completed Form FSS-TANF-4 is faxed to the appropriate Legal Aid office. If the individual referred is a minor child, the parent or guardian signs for the child. Form FSS-TANF-4, Part II, is 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 a SSA reconsideration;**
- (4) SSA reconsideration decision;**
- (5) request for an Administrative Law Judge hearing;**
- (6) SSA hearing decision;**
- (7) decision by the SSA Appeal Council; and**

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

SUBCHAPTER 3. CONDITIONS OF ELIGIBILITY - NEED**PART 1. RESOURCES**

Section

- 340:10-3-1. Resources defined
- 340:10-3-2. General provisions regarding resources
- 340:10-3-3. Home property
- 340:10-3-4. Real property other than home property
- 340:10-3-5. Personal property
- 340:10-3-6. Trust accounts
- 340:10-3-7. Transfer or disposal of capital resources **[REVOKED]**
- 340:10-3-8. Resources acquired while receiving assistance **[REVOKED]**
- 340:10-3-9. Family relations as a resource
- 340:10-3-10. Maximum resources

PART 3. INCOME

- 340:10-3-25. Income defined **[REVOKED]**
- 340:10-3-26. General provisions regarding income
- 340:10-3-27. Monthly maximum gross income
- 340:10-3-28. Lump sum payments
- 340:10-3-29. Irregular income **[REVOKED]**
- 340:10-3-30. Consideration of income of a relative-payee other than a natural or adoptive parent
- 340:10-3-31. Earned income
- 340:10-3-32. Determination of earned income
- 340:10-3-33. Individual earned income exemptions
- 340:10-3-34. Dependent care expenses **[REVOKED]**
- 340:10-3-35. Conditions under which exemptions are not allowed **[REVOKED]**
- 340:10-3-36. Use of months of untimely reported earned income **[REVOKED]**
- 340:10-3-37. Client's statements **[REVOKED]**
- 340:10-3-38. Formula for determining the individual's net earned income **[REVOKED]**
- 340:10-3-39. Income other than earned income
- 340:10-3-40. Income disregards

PART 5. ASSISTANCE PAYMENTS

- 340:10-3-55. Budgeting **[REVOKED]**
- 340:10-3-56. Structure of the assistance unit
- 340:10-3-57. Special considerations

- 340:10-3-58. Income determination procedures
- 340:10-3-59. Assistance benefits

PART 7. TRANSITIONAL BENEFITS

- 340:10-3-75. Continued medical benefits (CMB)
- 340:10-3-76. Closure due to child support or spousal support **[REVOKED]**
- 340:10-3-77. Closure due to loss or reduction of earned income exemption
[REVOKED]
- 340:10-3-78. Closure due to new or increased earnings of caretaker relative
[REVOKED]
- 340:10-3-79. Reporting **[REVOKED]**
- 340:10-3-80. Procedures - continued medical benefits at TANF case closure
[REVOKED]
- 340:10-3-81. Adjustment period

340:10-3-2. General provisions regarding resources

(a) Every time eligibility is determined, each capital resource is evaluated. The maximum allowable resource amount is \$1000 for a family to be eligible to receive Temporary Assistance for Needy Families (TANF).

(b) In establishing eligibility and who is included in the TANF assistance unit, only those resources which the applicant owns, wholly or in part, are considered. If an adult or child is receiving Supplemental Security Income (SSI), his or her resources are not considered in determining eligibility for TANF. ■ 1

(c) Capital resources are evaluated on a monthly basis in determining eligibility for TANF. An applicant is determined ineligible for any month that resources exceed the resource standard at any time during that month. When a recipient has resources which exceed the resource standard, the TANF cash assistance is terminated the next possible effective date.

(d) The recipient may change the form of capital resources from time to time as long as the resources are not in excess of the maximum resource standard. ■ 2

(e) In determining eligibility based on resources, only those resources available for current use or those which the client can convert for current use with no legal impediment involved are considered as countable resources. ■ 3 A resource is considered available when actually available and when the client has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. Under this provision, a resource is considered available if the client has the legal ability to convert the resource to cash for his or her own use. Legal ability is explained in (f) of this Section.

(f) Generally, a resource is considered unavailable if there is a legal impediment to overcome. However, the client must agree to pursue all reasonable steps to overcome the impediment and is responsible for taking necessary steps to initiate legal action within 30 calendar days. While the legal action is in process, the resource is considered unavailable. If a determination is made and documented that the cost of making a resource available exceeds the gain, the client is not required to pursue action to make it available. ■ 4

INSTRUCTIONS TO STAFF

1. See OAC 340:10-3-57(c).

2. See Oklahoma Department of Human Services (OKDHS) Appendix C-1,

Schedule of Maximum Income, Resource and Payment Standards.

- 3. Examples of legal impediments include, but are not limited to, clearing an estate, probate, partition to sell, or appointment of a legal guardian.**
- 4. Determinations of available and unavailable resources must be documented in the case record.**

340:10-3-3. Home property

The home and surrounding property necessary for the operation of the home is exempt regardless of the value. For purposes of the home resource exclusion, a home is defined as any shelter in which the individual has an ownership interest and which is used by the individual as his or her principal place of residence. The home may be either real or personal property, fixed or mobile.

(1) The home as described in this Section may be retained without affecting eligibility during periods when it is necessary to be absent for illness or other necessity. The Oklahoma Department of Human Services (OKDHS) has not set a definite time limit to the individual's absence from the home. ■ 1

(2) When it is determined the individual does not have a feasible plan for and is not expected to return to the home, the current market value of the property is considered in relation to the maximum resource standard. Once the property is determined to be a resource, the individual is responsible for converting it for use in meeting current needs. If the individual fails or is unwilling to take steps necessary to convert the resource, continuing eligibility cannot be established. The individual is advised as to the effective date of denial or closure and his or her right to receive cash assistance when the resources are within the maximum resource standard provided other conditions of eligibility continue to be met.

(3) When a recipient sells his or her home with the intention of purchasing another home or when an insurance payment for damage to the home is received, a reasonable period of time is given to use the money for the intended purpose. A reasonable period of time is 90 days. ■ 2

(4) At the point a recipient decides not to use the funds from the sale of his or her home to purchase another home, an evaluation is made in accordance with OKDHS Appendix C-1, Schedule of Maximum Income, Resource and Payment Standards, Schedule IX C. The amount considered available is the total payment received from the sale of the home. At the point a recipient decides not to use an insurance payment received to repair damage to the home, the lump sum rule applies. ■ 3

(5) A home traded for another home of equal value does not affect the recipient's eligibility status. If the home is traded for a home of lesser value, the difference may be invested in improvement of the new home.

INSTRUCTIONS TO STAFF

1. Absences from home for trips, visits, and hospitalizations do not affect the home exclusion as long as the individual intends to return home. An absence of this nature of more than six months may indicate that the home no longer serves as the principal place of residence. If the home is used by an eligible or ineligible spouse or dependent relative during the individual's absence, it continues to be considered his or her principal place of residence as long as the spouse or dependent relative continues to live there and the absence is alleged to be temporary. For purposes of this reference a relative is defined as: son, daughter, grandson, granddaughter, stepson, stepdaughter, in-laws, mother, father, stepmother, stepfather, half sister, half brother, niece, nephew, grandmother, grandfather, aunt, uncle, sister, brother, stepbrother, and stepsister.
2. Extensions beyond the 90 days may be justified in special instances when completion of the transaction is beyond the recipient's control.
3. Refer to OAC 340:10-3-28.

340:10-3-5. Personal property

(a) This subsection describes personal property and how it is considered in determining eligibility for Temporary Assistance for Needy Families (TANF).

(1) **Household goods and equipment.** Items essential to day-to-day living such as clothing, furniture, and other similarly essential items of limited value are excluded as resources.

(2) **Livestock and equipment used in a business enterprise.** The individual's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only if the individual is not actively engaged in the business enterprise. Equity is not counted if the individual actively participates in the business or is only temporarily inactive, for example, incapacitated and can reasonably expect and has plans to resume the business enterprise. Equity is established on the basis of oral or written information which the individual has at hand and counsel with persons who have specialized knowledge about the particular resources.

(3) **Livestock and home produce used for home consumption.** Any livestock or produce grown and used by the assistance unit for home consumption is exempt.

(4) **Cash savings and bank accounts.** Money on hand or in a savings account is considered as a resource. The individual's statement that he or she has no money on hand or on deposit is sufficient unless there are indications to the contrary. When there is information to the contrary or when the individual does not have records to verify the amount on deposit, verification is obtained from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the individual or the Oklahoma Department of Human Services (OKDHS).

(A) Checking accounts may or may not represent savings. Current bank statements are evaluated with the individual to establish what, if any, portion of the account represents savings. Any income which has been deposited during the current month is not considered.

(B) Accounts owned jointly are considered available to the individual unless it can be established what part of the account actually belongs to each of the owners, the money is actually separated, and the joint account is dissolved.

(5) **Insurance policies and prepaid funeral benefits.**

(A) **Life insurance policies.** The cash surrender value (CSV) less any loans or unpaid interest of life insurance policies owned by members included in the TANF cash assistance is counted as a resource. Dividends which accrue and remain with the insurance company increase the amount of the resource. Dividends paid to an individual are considered as income. Assignment of the face value of a life insurance policy to fund a prepaid burial contract is not counted as a resource. In this instance, the amount of the face value of the life insurance is evaluated according to the policy on burial funds or, if applicable, the policy on the irrevocable burial contract.

(B) **Burial spaces.** The value of a burial space for each family member whose needs are in the cash assistance or whose income and resources are considered when computing the cash assistance is excluded from resources.

(C) **Burial funds.** Revocable burial funds not in excess of \$1500 for each member included in the assistance unit are excluded as a resource if the funds are specifically set aside for the burial arrangements of the individual. Any amount in excess of \$1500 for each member included in the assistance unit is considered as a resource. Burial policies which require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) Burial funds means a prepaid funeral contract or burial trust with a funeral home or burial association which is for the individual's burial expenses.

(ii) The face value of a life insurance policy, when properly assigned by the owner to a funeral home or burial association, may be used for purchasing burial funds as described in (i) of this subparagraph.

(iii) The burial fund exclusion must be reduced by the face value of life insurance policies owned by the individual and by the amounts in an irrevocable trust or other irrevocable arrangement.

(iv) Interest earned or appreciation on the value of any excluded burial funds is excluded if left to accumulate and become a part of the burial fund.

(v) If the individual did not purchase the prepaid burial, even if the individual's money was used for the purchase, the individual is not the owner and the prepaid burial funds cannot be considered a resource to the individual.

(D) **Irrevocable burial contract.** Oklahoma law provides that a purchaser of a prepaid funeral contract may elect to make the contract irrevocable. Irrevocability

becomes effective 30 days after the contract is signed.

(i) If the irrevocable election was made prior to July 1, 1986, and the individual received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only if the individual does not add to the amount of the contract. Interest accrued on the contract is not considered as added. Any break in assistance requires that the contract be evaluated at the time of reapplication.

(ii) If the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life insurance policies cannot exceed \$7500. When the principal amount exceeds \$7500, the individual is ineligible for assistance. Accrued interest is not counted as a part of the \$7500 limit, regardless of when it is accrued.

(iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or an individual with power of attorney for the purchaser.

(E) **Medical insurance.** When an individual has medical insurance whether directly purchased or available in conjunction with employment, the available benefits are applied toward the medical expense for which the benefits are paid.

■ 1 If an assignment of the insurance is not made to the vendor and payment is made directly to the individual, the payment must be applied to the cost of medical services. Any amount remaining after payment for medical services is considered as a resource.

(6) **Stocks, bonds, mortgages, and notes.** The individual's equity in stocks and bonds, including United States Savings Bonds, Series A through EE, is considered a resource. The current market value less encumbrances is the equity. Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached. If the bond has been held beyond maturity date, it has continued to draw interest. The amount which can be realized from notes, mortgages, and similar instruments, if offered for immediate sale, constitutes a resource.

(7) **Non-negotiable resources.** Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found are

considered as monthly income.

(8) **Automobiles, pickups, and trucks.** The market value of each year's make and model is established on the basis of the average trade-in value. ■ 2 In the event the individual and worker cannot agree on the value of the vehicle, the individual secures written appraisals by two persons familiar with current values. If there is substantial unexplained divergence between these appraisals or between the blue book value and one or more of these appraisals, the worker and the individual jointly arrange for the market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the individual and worker.

(A) **Exempt automobiles.** One automobile, pickup, truck, or other vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of \$5,000 is exempted. The amount of the equity in excess of \$5,000 is considered against the resource limit.

(B) **Other vehicles.** The equity in other automobiles, pickups, and trucks as well as other personal property including boats, travel trailers, motorcycles, motor homes, campers, and similar items is considered as a resource. The current market value less encumbrances on the vehicle is the equity. Only encumbrances that can be verified are considered in computing equity.

(9) **Lump sum payments.** ■ 3 A lump sum settlement which compensates for the loss of a resource such as an automobile may be disregarded in the amount used to replace the loss. The individual is given a reasonable amount of time to replace the loss not to exceed 30 days. Extension beyond 30 days may be justified in special instances when completion of the transaction is beyond the individual's control. Any amount remaining after the replacement of the loss is considered as income. Income tax refunds, except for the portion that represents an earned income tax credit (EITC), must be treated as a resource and considered available to the recipient upon receipt. Retirement benefits received as a lump sum payment at termination of employment are considered a resource. ■ 4 These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) Individual Development Accounts (IDAs). IDAs are dedicated savings accounts that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity. IDAs are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by an individual in an IDA up to \$2,000

are not considered as income or resources in determining TANF eligibility. The account deposits must be made from earned income, earned income tax credits, or tax refunds.

(b) This subsection describes resources disregarded in determining need. Disregarded resources are:

(1) food stamp allotments under the Food Stamp Act of 1977;

(2) any payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) education grants, including work study, scholarships, and similar grants, if receipt is contingent upon the student regularly attending school. The student's classification, graduate or undergraduate, is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form ADM-103, Loan Verification, is completed by the borrower attesting that the loan is bona fide and signed by the lender verifying the date and amount of loan;

(5) Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed per capita by the tribe subject to approval by the Secretary of the Interior. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or tribal business investments is disregarded as long as the payments are paid per capita. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;

(6) special allowances for school expenses made available upon petition, in writing, from funds held in trust for the student;

(7) trusts of a child included in a TANF benefit if it is determined by the worker the funds are to be used for educational purposes for the child. Any court established

trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 5 Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child's educational purposes; ■ 6

(8) any accounts, stocks, bonds, or other resources held under the control of a third party if the funds are designated for educational purposes for a child eligible for TANF, even if the child's name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V are disregarded. Both Title III and Title V are under the Older Americans Act of 1965 amended by Public Law (P.L.) 100-175 to become the Older Americans Act amendments of 1987;

(10) unearned income received by a child eligible for TANF, such as needs based payments, cash assistance, compensation in lieu of wages, or allowances from programs funded by the Workforce Investment Act (WIA), including Job Corps income. This includes WIA earned income received as wages when the child is a full-time student; ■ 7

(11) payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and any other programs pursuant to the National and Community Service Trust Act of 1993 (NCSTA);

(12) payments to volunteers under the NCSTA, unless the gross amount of AmeriCorps*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

(13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(14) any portion of payments made under the Alaska Native Claims Settlement Act to an Alaska Native which are exempt from taxation under the Settlement Act;

(15) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;

(16) advance payments of EITC or refunds of EITC, as a result of filing a federal income tax return, in the month received and the following month;

(17) refunds of the state EITC, as a result of filing a state income tax return, in the month received and the following month;

(18) payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(19) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(20) federal major disaster and emergency assistance provided under the Disaster Relief Act of 1974, and comparable disaster assistance provided by state, local governments, and disaster assistance organizations;

(21) interests of individual Indians in trust or restricted lands. However, any disbursements from the trust or restricted lands are considered as income;

(22) a migratory farm worker's out-of-state homestead if the farm worker's intent is to return to the homestead after the temporary absence;

(23) a non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a TANF recipient, in the month paid and the next following month. The amount remaining in the second month after the month of receipt is a countable resource;

(24) payments received under the Civil Liberties Act of 1988. These payments are made to individuals of Japanese ancestry who were detained in internment camps during World War II;

(25) payments made to individuals because of their status as victims of Nazi persecution;

(26) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the United States Code;

(27) reimbursements made to a foster care parent(s); and

(28) payments as described in Section 1823(c) of Title 38 of the United States Code (USC) provided to certain individuals who are children of Vietnam War veterans.

INSTRUCTIONS TO STAFF

1. The type of insurance is documented in Case Notes on Family Assistance/Client Services (FACS).

2. (a) The average trade-in value listed in the National Automobile Dealers Association (NADA) books can be used, other blue books, or one of the Internet Web sites which provide data on the market value of used vehicles at no cost to the user. Available Web sites include:

- (1) CarPrices www.carprices.com;
- (2) AutoWorld www.autoworld.com;
- (3) Intellichoice www.intellichoice.com;
- (4) Edmund's www.edmunds.com;
- (5) Kelley Blue Book www.kbb.com.; and
- (6) NADA www.nada.com.

(b) The value of a vehicle cannot be increased by adding the value of low mileage or optional equipment. The Kelley Blue Book requires users to include mileage prior to calculating a vehicle's value. Other online services with a mileage field assume average mileage if the mileage field is left blank. To ensure any vehicles are not assigned a higher value based on unusually low mileage the worker uses the greater of the vehicle's actual mileage or 12,000 miles per year.

(c) The case record must include sufficient documentation indicating the Web site or blue book used to determine the market value of the vehicle.

3. See OAC 340:10-3-28(6).

4. See OAC 340:10-3-28 for consideration of a lump sum retirement benefit received at the time of retirement.

5. See OAC 340:10-3-6.

6. Funds for educational purposes are for any necessary expenses related to school activities such as fees, books, and clothing.

7. See OAC 340:10-3-40(17).

340:10-3-10. Maximum resources

Maximum resources is a term used to designate the largest amount an individual can hold in one or more capital resources and still be considered eligible for Temporary Assistance for Needy Families (TANF) from the standpoint of need. ■ 1 Such resources may be held in any form or combination of forms of capital resources.

(1) **Maximum TANF resource standard.** The maximum resource standard is shown on OKDHS Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards, Schedule IX.C. The resources of all members whose needs are included in the TANF cash assistance benefit are considered in determining the maximum resources for the family. For resources of a needy caretaker see paragraph (2) of this Section.

(A) When both parents are in the home and one parent is included in a State Supplemental Payment (SSP) case and the spouse is included in a TANF case with the children, the resources of both parents are evaluated in relation to eligibility for Supplemental Security Income (SSI) and therefore not considered on the TANF case.

(B) If a natural or adoptive parent or dependent child is not included in the assistance unit because of alien status, his or her resources are considered with the resources of the eligible children in computing the maximum resources.

(2) **Consideration of resources of a relative-payee other than a natural or adoptive parent.** A relative-payee can only be included in the cash assistance benefit when the natural or adoptive parent is not in the home and the relative-payee also meets the definition of a needy caretaker. ■ 2 A stepparent may be included in the cash assistance benefit when the natural or adoptive parent is incapacitated or not in the home.

(A) If a relative-payee is not eligible to be included in the TANF assistance unit or is eligible but does not request to be included, consideration is not given to his or her resources or the resources of his or her spouse in determining eligibility of the children.

(B) A relative-payee is considered resource eligible as a needy caretaker if the resources for the case does not exceed the maximum resource standard.

(C) Only one needy caretaker may be included in the TANF assistance unit when the child's parents are not in the home. If the needy caretaker has a spouse who is not an SSI recipient, one-half of their combined resources are considered to

be the needy caretaker's resources. If the spouse of the needy caretaker is an SSI recipient, consideration is not given to his or her resources.

INSTRUCTIONS TO STAFF

- 1. See OAC 340:10-3-2 through 340:10-3-5.**
- 2. See OAC 340:10-3-56.**

340:10-3-32. Determination of earned income

Earned income results from self-employment or other employment sources.

(1) **Earned income from self-employment.** If the income results from the individual's activities primarily as a result of the individual's own labor from the operation of a business enterprise, the countable earned income is the total profit after deducting the business expenses. ■ 1

(A) **Cost of producing self-employment income.** Allowable costs of producing self-employment income include, but are not limited to, the identifiable cost of labor, stock, raw material, seed, fertilizer, payments on the principal of the purchase price of income-producing real estate, capital assets, equipment, machinery, other durable goods, interest payments to purchase income-producing property, insurance premiums, and taxes paid on income-producing property. ■ 2 Self-employment income that represents a household's annual support is prorated over a 12-month period, even if the income is received in a shorter period of time. ■ 3

(B) **Items not considered.** Items not considered as a cost of producing self-employment income are:

(i) the purchase price of capital assets, equipment, machinery, and other durable goods;

(ii) net losses from previous periods;

(iii) depreciation of capital assets, equipment, machinery, and other durable goods; and

(iv) federal, state, and local income taxes, Federal Insurance Contributions Act (FICA) deductions, money set aside for retirement purposes, and other work related personal expenses, such as meals and necessary transportation.

(C) **Room or board.** Earned income from a room rented in the home is determined by considering 25% of the gross amount received as business expenses. Earned income from room and board paid by a person in the home is determined by considering 50% of the gross income received as a business expense.

(D) **Rental property.** Income from rental property is considered income from

self-employment if none of the activities associated with renting the property is conducted by an outside person or agency.

(2) Earned income from sources other than self-employment.

(A) Earned income from wages, salary, or commission. If the income is from wages, salary, or commission, the earned income is the gross income or true wage prior to payroll deductions and withholdings. ■ 4 This includes earned income from contract employment. ■ 5 Money from the sale of whole blood or blood plasma is considered as earned income.

(B) Earned income from work and training programs.

(i) Workforce Investment Act (WIA). WIA earned income received by the payee or spouse as wages is considered as any other earned income. WIA earned income of a dependent child is considered when received in excess of six months in any calendar year. ■ 6

(ii) On-the-job training (OJT). Earned income from regular employment for OJT is considered as any other earned income.

INSTRUCTIONS TO STAFF

- 1. See OAC 340:10-3-33.**
- 2. The federal or state income tax form for the most recent year is used for calculating the income only if it is representative of the individual's current situation. The individual's business records beginning the month income became representative of the individual's current situation are used if the income tax information does not represent the individual's current situation. If the household's self-employment enterprise has been in existence for less than a year, the income is averaged over the period of time the business has been in operation to establish the monthly income amount.**
- 3. For example, self-employment income received by a crop farmer is averaged over a 12-month period if the income represents the farmer's annual support.**
- 4. If an individual receives a benefit allowance from his or her employer, the applicable procedure in (1) or (2) is followed.**

(1) The employer requires the employee to purchase with the benefit allowance.

(A) Employee only benefit allowance - count the regular gross earnings plus any excess money left after deducting the insurance cost from the benefit allowance.

(B) Employee with dependents benefits allowance – count only the regular gross earnings.

(2) The employer does not require the employee to purchase insurance.

(A) If the employee chooses to purchase insurance, count the gross earnings plus the entire benefit allowance.

(B) If the employee chooses not to purchase insurance, count the gross income plus the cash amount of the benefit allowance.

5. Income from contract employment received by individuals, such as school employees, is annualized over a 12-month period even if the income is received over a period of time shorter than 12 months.

6. See OAC 340:10-3-40(17), Income disregards.

340:10-3-39. Income other than earned income

(a) **Capital investments.** Proceeds from interest or dividends from capital investments, which include savings accounts, bonds, other than U.S. Savings Bonds, notes, and mortgages received subsequent to certification constitute income.

(b) **Real property held as a resource.** If the individual has income from property held as a resource, only the income after deducting the actual business expense is considered.

(c) **Life estate and homestead rights.** For income from life estate and homestead rights, see OAC 340:10-3-4(d).

(d) **Minerals.** If the individual owns minerals, but not the surface rights, only actual income from minerals, delayed rentals, and production is considered. ■ 1 Evidence is obtained from documents which the individual has in hand. When the individual has no documentary evidence of the amount of income, the evidence is secured from the firm or person who is making the payment.

(e) **Home produce.** Any home produce from garden, livestock, and poultry utilized by the individual and his or her household for their consumption represents resourcefulness on the part of the individual in improving his or her situation, and is not considered in determining the amount of benefit.

(f) **Contributions.** Appreciable contributions recurrently received in cash are considered income except when the contribution is not made directly to the recipient.

■ 2

(g) **Retirement, disability, and unemployment benefits.** Income received monthly from these sources is considered unearned income. Information as to present receipt and amount of current benefits is obtained from the individual's award letter or benefit verification statement, by viewing the warrant, or by use of the data exchange files. ■ 3 Retirement benefits received as a lump sum payment at termination of employment are considered a resource. Supplemental Security Income (SSI) does not fall under these types of benefits.

(h) **Military benefits.** Life insurance, pensions, compensation, servicemen dependents' allowances, and similar benefits, are sources of income which the individual and dependents may be eligible to receive. In each case, information is obtained concerning the military service of the individual's son, daughter, spouse, or parent has been in any military service. Clearance is made with the proper veterans' agencies, both state and federal, to determine whether the benefits are available.

(i) **Income from any agency or organization.** Financial aid provided to individuals by agencies or organizations which base their payment on financial need is not considered in determining the amount of the benefit provided duplication does not exist between such other assistance and that provided by the Oklahoma Department of Human Services (OKDHS). Financial aid given by other agencies or organizations does not constitute duplication if the financial aid is given:

(1) for a different purpose than that provided by OKDHS;

(2) for goods and services that are not included in the Temporary Assistance for Needy Families (TANF) need standard; or ■ 4 & 5

(3) in an amount sufficient to make it possible for the individual to have the amount of money as determined by the TANF need standard. In this instance, the non-duplicated amount is the difference between the monthly payment standard and the monthly need standard. Any amount of financial aid that exceeds that difference is considered as unearned income.

(j) **Income from Vocational Rehabilitation Program through Department of Rehabilitation Services.** Assistance or services received by a TANF individual from the Vocational Rehabilitation Program through the Department of Rehabilitation Services which are allocated to items not covered in the TANF standards, such as car fare to a rehabilitation center, extra clothing, lunches, grooming needed for a training program, and any other such complementary payments, are disregarded in determining the amount of the assistance payments.

(k) **Casual and inconsequential gifts.** Monetary gifts which do not realistically represent income to meet living expenses, for example, Christmas, graduation, and birthday gifts, not to exceed \$30 per calendar quarter for each individual, are disregarded as income. The amount of the gifts is disregarded as received during the quarter until the aggregate amount has reached \$30. At that time the portion exceeding \$30 is counted as lump sum income. If the amount of a single gift exceeds \$30, it is not inconsequential and the total amount is counted. If the recipient claims that the gift is intended for more than one person in the assistance unit, it can be divided among these persons. Gifts between members of the assistance unit are not counted. ■ 6

(l) **Grants.** Grants which are not based on financial need are considered income to the extent the grant is available for current maintenance. ■ 7 Any portion of the grant that is expended, designated, or intended for items not included in current maintenance is excluded. Any remaining portion of a grant excluded as not for current maintenance must have detailed case documentation to justify the exclusion. The countable amount

of a grant received for a period covering more than one month is prorated over the period it is intended to cover.

(m) **Funds held in trust by Bureau of Indian Affairs (BIA).** The BIA frequently puts an individual's trust funds in an Individual Indian Money (IIM) account. To determine the availability of funds held in trust in an IIM account, the worker must contact the BIA in writing and ascertain if the funds, in total or any portion, are available to the individual.

■ 8 If any portion of the funds is disbursed to the individual client, guardian, or conservator, such funds are considered as available income. If the BIA determines the funds are not available, they are not considered in determining eligibility. Funds held in trust by the BIA and not disbursed are considered unavailable. ■ 9

(1) When BIA determines the account is unavailable and releases a certain amount of funds each month to the individual, the monthly disbursement is considered as unearned income.

(2) When the BIA has stated the account is unavailable and the account does not have a monthly disbursement plan, but a review reveals a recent history of disbursements to the individual, guardian, or conservator, these disbursements must be resolved with the BIA. These disbursements indicate all or a portion of the account may be available to the individual, guardian, or conservator. When the worker is unable to resolve the situation with the BIA, the worker submits a referral to the Family Support Services Division (FSSD). ■ 10 When a referral is sent to FSSD, the funds are considered as unavailable with a legal impediment until the worker is notified otherwise.

(3) When disbursements have been made, a determination is made whether such disbursements were made to the individual or to a third party vendor in payment for goods or services. Payments made directly from the BIA to vendors are not considered as income to the individual. Services rendered and payment made by BIA is documented.

(4) Amounts disbursed directly to the individual are counted as non-recurring lump sum payments in the month received. Some trusts generate income on a regular basis and the income is sent to the beneficiary. In those instances, the income is treated as unearned income in the month received.

INSTRUCTIONS TO STAFF

1. See OAC 340:10-3-4(b).
2. See OAC 340:10-3-39(k).

3. See OAC 340:65-3-4.
4. See OAC 340:10-1-3(10).
5. For instance, a private agency may provide money for special training for a child or a Housing and Urban Development payment may be provided to cover moving expenses that are not included in the Oklahoma Department of Human Services (OKDHS) assistance standard.
6. See OAC 340:10-3-56.
7. See OAC 340:10-1-3(10).
8. At each reapplication or redetermination, the Bureau of Indian Affairs (BIA) is contacted to obtain information regarding any changes as to the availability of the funds and any information regarding modifications to the Individual Indian Money (IIM) account. Information regarding prior disbursements is also obtained at this time.
9. See OAC 340:10-3-40(26).
10. The referral must include specific details of the situation, including the worker's efforts to resolve the situation with the BIA. If Family Support Services Division (FSSD) cannot make a determination, a legal decision regarding availability is obtained by FSSD and forwarded to the county office.

340:10-3-40. Income disregards

Income that is disregarded in determining eligibility for Temporary Assistance for Needy Families (TANF) is:

- (1) the food stamp allotment under the Food Stamp Act of 1977;
- (2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (3) education grants, including work study, and scholarships that are contingent upon the student regularly attending school. The student's classification as a graduate or undergraduate is not a factor;
- (4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. If the loan was from a person(s) not in the loan business, the borrower's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide. If the loan agreement is not written, Form ADM-103, Loan Verification, must be completed by the borrower attesting that the loan is bona fide and signed by the lender verifying the date and amount of loan. When copies of written agreements or Form ADM-103 are not available, detailed case documentation must include information that the loan is bona fide and how the debt amount and date of receipt was verified;
- (5) Indian payments, which include judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or from tribal business investments is disregarded as long as the payments are paid per capita. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;
- (6) special allowance(s) for school expenses made available upon petition in writing from trust funds of the student;
- (7) income from trusts of a child included in a TANF benefit if it is determined by the

worker that funds are to be used for educational purposes for the child. Any court established trust must be examined to determine if the court has restricted the trust for other purposes. The worker must verify at application and redetermination if funds have been withdrawn. ■ 1 Any funds withdrawn are treated as lump sum unearned income unless it can be documented the funds were used for the child's educational purposes; ■ 2

(8) income from accounts, stocks, and bonds held under the control of a third party if the funds are designated for educational purposes for a child in a TANF benefit even if the child's name is on the account and the third party holder is required to access the funds;

(9) benefits from state and community programs on aging from Title III and Title V. Title III and Title V are under the Older Americans Act of 1965 amended by Public Law (P.L.) 100-175 to become the Older Americans Act amendments of 1987. Each state and eight organizations receive some Title V funds. These organizations are:

- (A) Green Thumb;
- (B) National Council on Aging;
- (C) National Council of Senior Citizens;
- (D) American Association of Retired Persons;
- (E) United States (US) Forest Service;
- (F) National Association for Spanish Speaking Elderly;
- (G) National Urban League; and
- (H) National Council on Black Aging;

(10) unearned income received by a child in a TANF benefit, such as a needs based payment, cash assistance, compensation in lieu of wages, or allowance from a program funded by the Workforce Investment Act (WIA) including Job Corps income and WIA earned income received as wages; ■ 3

(11) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired

Executives (SCORE) and Active Corps of Executives (ACE);

(12) payments to volunteers under the National and Community Service Trust Act of 1993 (NCSTA), unless the gross amount of AmeriCorps*VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

(13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(14) any portion of payments, made under the Alaska Native Claims Settlement Act to an Alaska Native, which are exempt from taxation under the Settlement Act;

(15) any income if an adult or child from the family group is living in the home and is receiving Supplemental Security Income (SSI), his or her individual income is considered by the Social Security Administration in determining eligibility for SSI. This includes any payment made by the Developmental Disabilities Services Division through the Family Support Assistance Payment Program on behalf of a child(ren) receiving SSI. The individual's income and SSI payment are not considered in determining the TANF benefit;

(16) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the US Housing Act of 1937, as amended;

(17) earnings of a child in a TANF benefit who is a full-time student are disregarded;

(18) government rental or housing subsidies by governmental agencies, for example, Housing and Urban Development (HUD) which are received in-kind or in cash for rent, mortgage payments, or utilities;

(19) reimbursements from an employer, the Department of Labor, or the Bureau of Indian Affairs, for out-of-pocket expenditures and allowances for travel, training, meals, or supplies, which could include uniforms, to the extent the funds are used for expenses directly related to such travel, training, meals or supplies; ■ 4

(20) Low Income Home Energy Assistance Program (LIHEAP) payments for energy assistance and payments for emergency situations under Emergency Assistance to Needy Families with Children;

(21) advance payments of Earned Income Tax Credit (EITC) or refunds of EITC as a result of filing a federal income tax return;

(22) refunds of state EITC as a result of filing a state income tax return;

(23) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(24) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(25) federal major disaster and emergency assistance provided under the Disaster Relief Act of 1974 and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;

(26) interests of individual Indians in trust or restricted lands;

(27) income up to \$2,000 per calendar year received by individual Indians, which is derived from leases or other uses of individually owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered as unearned income;

(28) payments received under the Civil Liberties Act of 1988. These payments are made to individuals of Japanese ancestry who were detained in internment camps during World War II;

(29) payments made to individuals because of their status as victims of Nazi persecution;

(30) interest accrued from the deposits made by an individual into an Individual Development Account (IDA) up to \$2,000; ■ 5

(31) stipends paid to students participating in the Indian Vocational Education Program (IVEP) through the Carl D. Perkins Vocational and Applied Technology Education Act;

(32) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the United States Code;

(33) reimbursements made to a foster care parent(s); and

(34) payments as described in Section 1823(c) of Title 38 of the United States Code (USC) provided to certain individuals who are children of Vietnam War veterans.

INSTRUCTIONS TO STAFF

1. See OAC 340:10-3-6.
2. See OAC 340:10-3-28.
3. See OAC 340:10-3-40(17) of this subsection for the exception to this rule.
4. See OAC 340:10-2-4(c).
5. See OAC 340:10-3-5.

PART 5. ASSISTANCE PAYMENTS

340:10-3-56. Structure of the assistance unit

(a) The structure of the assistance unit is defined in this Section.

(1) Individuals whose needs **must** be included in the assistance unit, unless otherwise excluded in accordance with paragraph (3) of this subsection, are: ■ 1

(A) at least one Temporary Assistance for Needy Families (TANF) eligible child;

(B) the natural or adoptive parent(s); and

(C) all blood-related minor siblings living in the home with the TANF eligible child(ren), including half brothers and half sisters unless eligibility for the half brothers and half sisters does not exist. ■ 2 & 3 This does not apply to siblings of a minor parent when the minor parent is the adult in the assistance unit.

(2) Individuals whose needs **may** be included are:

(A) the caretaker relative-payee other than the natural or adoptive parent(s) with whom the child(ren) resides, if this individual meets the definition of needy and is of the specified degree of relationship. A caretaker other than stepparent may be included in the assistance unit only when the natural or adoptive parent(s) is absent from the home. A stepparent may be included in the assistance unit when the natural or adoptive parent(s) is incapacitated or absent;

(B) the caretaker relative or the natural or adoptive parent when the only dependent child(ren) residing in the home:

(i) receives Supplemental Security Income (SSI); or

(ii) has been removed from the home by a child protection action and the plan for the child(ren) is impending reunification; ■ 4

(C) the caretaker relative when the only child(ren) in the home receives federal or state foster care maintenance payments;

(D) the natural parent(s) when the only child in the home received benefits in the form of a voucher and has been removed from the cash benefit as a result of attaining 36 months of age;

(E) the adoptive parent(s) when the only dependent child(ren) receives a Title IV-E or state adoption subsidy; or

(F) a family that includes any head of household or a spouse of the head of household who has received TANF benefits for a total of 60 cumulative months nationwide, whether or not consecutive, and a hardship extension is approved.

■ 5 All other conditions of TANF eligibility must be met. The hardship extensions are: ■ 6

(i) under-employment. The participant is regularly working 30 hours or more per week and earning at least minimum wage or its equivalent, but the net income of the assistance unit is insufficient to close the TANF cash assistance;

(ii) chronically under-employed. The participant is under-employed over an extended period of time as a result of documented barriers; ■ 7

(iii) pending SSI or Social Security Administration (SSA) disability application. This extension is granted only if the Oklahoma Department of Human Services (OKDHS) determines the disability application has merit and the participant pursues all appeals through a decision by the SSA Appeals Council. ■ 8 If an unfavorable decision is received from the SSA Appeals Council during the time period the participant is approved for a hardship extension, Family Support Services Division (FSSD), TANF Section, is notified and the TANF benefit is closed the next effective date; ■ 9

(iv) care of a disabled child or spouse. The participant is responsible for the care of a disabled child or spouse. This extension is granted only when verification has been provided to show the participant is needed in the home to care for this disabled individual and there is no alternative care available; ■ 10

(v) a clinical diagnosis of mental illness. The participant must be diagnosed with and receiving treatment for a mental disorder listed at Part 404, Subpart P, Appendix 1 of Title 20 of the Code of Federal Regulations. ■ 11 This illness must interfere with the participant maintaining or obtaining gainful employment. If appropriate, the participant must participate in other work activities in conjunction with receiving treatment;

(vi) a substance abuse treatment plan. The participant has a treatment plan level of care which requires intensive aftercare treatment of nine hours or more per week in conjunction with other appropriate work activities, or

outpatient treatment of nine hours or more per week in conjunction with other appropriate work activities, or is in full-time inpatient treatment; or ■ 12

(vii) a continuing training or educational activity. The participant is actively involved during the 60th month in an approved training or educational activity which will be completed in less than 12 months.

(3) Individuals whose needs **may not** be included are:

(A) an individual who has received a State Supplemental Payment (SSP) for the same month;

(B) an individual who has received or is included in an SSI payment for the same month; ■ 13

(C) the spouse of the payee if the payee is not the natural or adoptive parent;

(D) a child(ren) who is receiving foster care;

(E) an adopted child(ren) receiving an adoption subsidy;

(F) an alien who is not legally admitted to the United States (US) for permanent residence or does not meet alienage requirements; ■ 14

(G) a caretaker other than a stepparent when the natural or adoptive parent is in the home;

(H) an individual whose period of ineligibility due to receipt of a lump sum payment has not expired;

(I) a stepparent when the natural or adoptive parent is in the home and not incapacitated;

(J) an individual in a household that is eligible to receive benefits under a tribal TANF program; ■ 15

(K) a child(ren) born to a recipient after ten months from the date of application. Any such child(ren) is not eligible for the parent to receive cash benefits but is eligible for the parent to receive a non-cash voucher in the incremental amount the cash benefits would have been increased had the child(ren) been eligible for cash benefits. This voucher is issued for items of necessity for newborns until the age of 36 months. If a recipient gives birth to an additional child(ren) during

the period in which the family is eligible for benefits or during a temporary penalty period of ineligibility, the increase in the amount of benefits is issued as a voucher. A child(ren) born within ten months of application is not considered an additional child(ren) for this provision. The first child(ren) born after ten months from the date of application to a minor child(ren) of an applicant or a recipient family is not considered an additional child(ren) for this provision and is added to the cash payment. Any subsequent child(ren) born to a minor child(ren) is considered an additional child(ren) who is added for voucher benefits for the first child's 36 months of age; ■ 16

(L) a fugitive felon; ■ 17

(M) a probation and/or parole violator;

(N) an individual convicted of having fraudulently misrepresented residence in order to obtain assistance in more than one state. The individual is ineligible for a ten year period that begins on the date of conviction;

(O) a family that includes any head of household or a spouse of the head of household who has received TANF benefits for a total of 60 cumulative months, whether or not consecutive, and a hardship extension is not approved; or ■ 18

(P) a minor unmarried payee who has a dependent child(ren) in the minor's care and does not reside with a parent(s), legal guardian, or other adult relative age 18 or older. For the minor payee to be eligible for TANF benefits, the minor must live with the minor's natural or adoptive parent(s) or a stepparent, legal guardian, or other adult relative age 18 or older, or live in a foster home, maternity home, or other supportive living arrangement supervised by an adult. A supportive living arrangement is where a private family setting is maintained and an adult assumes the responsibility for the care and control of the minor and the minor's dependent child(ren) or provides supportive services such as counseling and guidance. The minor payee can reside elsewhere and be eligible for TANF if good cause is established because the:

(i) minor has no living parent or legal guardian whose whereabouts are known;

(ii) parent(s), legal guardian, or other adult relative does not allow the minor to live in the home;

(iii) physical or emotional health or safety of the minor or the minor's dependent child(ren) is jeopardized if the minor or the minor's dependent

child(ren) lives in the home with the parent(s), legal guardian, or other adult relative age 18 or older;

(iv) minor parent has lived apart from the minor's parent(s), legal guardian, or other adult relative age 18 or older, for at least one year before the birth of any dependent child(ren), or before the minor applied for benefits; or

(v) minor parent is legally emancipated pursuant to Chapter 4, Title 10 of the Oklahoma Statutes. A minor is legally emancipated when the district court must have granted the minor the authority to act on the minor's own behalf.

(b) In general, when an individual whose requirements are included in a TANF assistance unit is temporarily absent from the home for the purpose of receiving training or education for employment, or certain medical services, he or she is considered part of the family and the budgetary requirements are not changed unless needs change by reason of circumstances unrelated to the temporary absence. Individuals temporarily absent from the home but included in the assistance unit are: ■ 19

(1) an individual receiving training or education for employment during the period of time the training or educational activities are taking place;

(2) a child(ren) attending boarding school during the school term;

(3) a child(ren) absent from the home on visitation to the absent parent up to a maximum of three months. This consideration applies only to visitation and does not apply if the absent parent has physical and legal custody of the child(ren) during these three months;

(4) a child(ren) absent in order to attend school, other than boarding school. Factors considered in making this determination include the maintenance of normal ties between home and the child(ren) during the period of absence; whether the child(ren) continues under the control and guidance of the payee during the absence; and assumption of responsibility by the relative-payee for meeting the child's expenses during the school term. A child(ren) who attends the School for the Blind or the School for the Deaf is considered temporarily absent from the home in determining TANF eligibility; ■ 20

(5) an individual absent from the home because of entrance into a private facility for counseling, rehabilitation, behavioral problems, or special training. If an assessment indicates care is projected for a period exceeding four months, the absence is not considered temporary. At any time an absence is determined as not temporary or no longer temporary, the needs of the individual cannot be included in the

assistance unit;

(6) an individual absent from the home for medical services, other than institutionalization for treatment of mental illness, mental retardation, or tuberculosis, for up to six months. Six-month extensions may be allowed when verification indicates the individual may return to the home within the next six months;

(7) an individual absent from the home to receive substance abuse treatment for up to four months. A four-month extension may be allowed when verification indicates the individual will return to the home within the next four months; or

(8) an individual absent from the home to receive nursing care approved by the Oklahoma Health Care Authority, Level of Care Evaluation Unit. If it appears that the individual is disabled, an application for a State Supplemental Payment is taken and a referral made to the SSA district office for an SSI application.

(c) A change in benefit is not made during a temporary absence from Oklahoma for three months or less, unless a change is necessary by reason of some change in circumstances not relating to such absence from Oklahoma.

INSTRUCTIONS TO STAFF

- 1. When a person is required to be included in two or more assistance units in the same household, the assistance units must be combined. The case records must be consolidated.**
- 2. A child(ren) in common may not be included when deprivation cannot be established for the child(ren) because neither the natural or adoptive parent is disabled or incapacitated and neither parent can meet a work history requirement. In this situation it is a stepparent case with only the adult and his or her child(ren) by a prior relationship included in the assistance unit.**
- 3. A child(ren) of the proper degree of relationship to the adult in the home who is not a blood-related sibling to the child(ren) in the assistance unit remains in his or her own case if one exists or a new application is taken. Refer to OAC 340:10-3-59(b).**
- 4. This provision applies to active Temporary Assistance for Needy Families (TANF) benefits only. Refer to OAC 340:10-3-57(j). Impending reunification is the anticipated return of the child(ren) to the home within four months.**
- 5. (a) Refer to OAC 340:10-1-4.**

(b) When the TANF benefit is active at the time Form TW-24, Extension Request for Temporary Assistance for Needy Families, is signed, the TANF benefit remains active until a decision is made by Family Support Services Division (FSSD), TANF Section. If the hardship extension request is disapproved, the worker is notified to closed the TANF benefit with the appropriate closure code the next effective date. If the client requests a fair hearing during the ten-day period following the issuance of the adverse notice, the benefit can remain open until a decision is made by the Appeals Unit. Refer to OAC 340:65-5-1.

(c) When the TANF benefit has closed as a result of reaching the 60-month time limit and the client requests TANF within 30 days from the effective date of closure, Form TW-24 must be completed. No action is taken on the TANF application until a decision is made by FSSD, TANF Section. If the TANF benefit is approved, the worker is notified to reopen the TANF benefit using the appropriate administrative error code. If the request is disapproved, the worker is notified to deny the TANF application. The date of the client's signature or the stamp-in date, if mailed, on Form TW-24 is used as the application date of the request.

(d) When the TANF benefit has closed as a result of reaching the 60-month time limit and the client requests TANF more than 30 days from the effective date of closure and does not meet the situation described in Instructions to Staff (ITS) 6(d) of this instruction, a new Form FSS-1, Comprehensive Application and Review, and Form TW-24 are completed. Form TW-24, all supporting documentation, and the case record are mailed to FSSD, TANF Section. If the request is approved, the worker is notified to certify the TANF benefit if all other factors of eligibility are met. If the request is disapproved, the worker is notified to deny the TANF benefit using the appropriate denial code.

(e) When an extension is approved, the worker enters an ET&E authorization on Family Assistance/Client Services (FACS) using the appropriate TANF Work component to designate the reason for the extension. The authorization review date is entered to agree with the review date as shown on Form TW-24, Part II. The month of the review, Form TW-25, Extension Review/Disposition, Part I, is completed, signed, and dated by the participant and worker and routed to FSSD, TANF Section for consideration. FSSD, TANF Section notifies the worker by Form TW-25, Part II, to either update the authorization review date to continue an extension or to close the benefit.

6. (a) The worker is required to have a face-to-face contact with each participant to complete Form TW-24, Part I. When Form TW-24, Part I, is completed and an extension is requested by the participant, it is the responsibility of the worker to assure all assessments, diagnostic tests, and verifications are documented in the case record prior to the request for an extension. This request with all appropriate information is sent to FSSD with the case record. Based on the documentation and information provided, FSSD notifies the worker of the decision and, if approved, the period of time for the extension. When Form TW-24, Part I, is completed and no extension is requested, it is the responsibility of the worker to submit Form TW-24 to FSSD for review and close the benefit the appropriate month.

(b) If the extension is not approved, FSSD notifies the worker to close the benefit. The worker, 30 days after the effective date of closure, makes a home visit to determine the family's circumstances and offers the appropriate services.

(c) If the reason for the extension changes, the worker is required to have a new Form TW-24, Part I, completed. The request with the active case record is sent to FSSD for a decision. The procedures as described in ITS 6(a) and (b) are followed.

(d) If the participant fails, without good cause, to follow through with the employment plan as authorized by the extension approval, the worker closes the benefit the next effective month and notifies FSSD, TANF Section, by e-mail. When there has been no contact with the individual 30 days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services. 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. 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. Refer to OAC 340:10-2-2 ITS 5**(b)** for consideration of Food Stamp Penalty Income (FSPI) and ITS 6 for good cause reasons.

(e) If the time frame for the hardship extension approval has been completed and the participant does not request an additional extension, the cash benefit is terminated using the appropriate closure code. If the participant does request an additional extension, refer to procedures in ITS 6 (a) through (c).

- 7. Barriers can include, but are not limited to, learning disabilities, physical limitations, or mental disorders observed by the Oklahoma Department of Human Services (OKDHS) staff or other community partners. Medical records are not required to document the observed mental disorder.**
- 8. Examples of merit are when the participant has obtained legal representation for his or her Supplemental Security Income (SSI) or Social Security disability application or a determination has been made by the Disability Advocacy Program (DAP). See OAC 340:10-2-8(c)(7). Another example is when the Department of Rehabilitation Services has denied services to a participant because employment is unlikely.**
- 9. The decision by the Social Security Administration Appeals Council to send the request back to the Administrative Law Judge is not an unfavorable decision.**
- 10. The spouse or child does not have to be receiving disability benefits, however due to physical or mental impairment he or she cannot provide self-care.**
- 11. The mental disorders at Part 404, Subpart P, Appendix 1, of Title 20 of the Code of Federal Regulations are:
 - (1) Section 12.03 - schizophrenia, paranoia, and other psychotic disorders;**
 - (2) Section 12.04 - depression, manic disorder, or bipolar disorder;**
 - (3) Section 12.06 - anxiety disorder, including post-traumatic stress disorder;**
 - (4) Section 12.07 - somatoform disorder; and**
 - (5) Section 12.08 - personality disorders.****
- 12. If the required nine hours or more per week of treatment is not available in the community, the participant continues eligible until the appropriate services are provided.**
- 13. When a recipient is approved for SSI, the removal date is the next effective date. If the initial SSI payment is received prior to the removal date, no overpayment exists.**

14. Refer to OAC 340:10-15-1.

15. Refer to OAC 340:10-3-57(d).

16. The Information Management System transactions F17V, BMU, and CVRP are used to issue, reissue, or replace vouchers. The F17V transaction is used to issue retroactive or supplemental vouchers. To access the F17V transaction, enter F17V space case number. Vouchers returned to the Finance Division are posted to the county office's BML listing and the county office is responsible for reissuing or canceling the voucher using the BMU transaction. The CVRP transaction is used to request replacement of child vouchers for stop payment or expired vouchers. To access the CVRP transaction, enter CVRP and a formatted screen is returned for the worker to complete. Form ADM-44, Affidavit of Lost or Destroyed Warrant, is used when a recipient states that the vouchers were never received.

17. Refer to OAC 340:65-1-2.

18. Refer to OAC 340:10-1-4, OAC 340:10-3-56(a)(2)(F) and ITS 5.

19. The worker is responsible for working with the parent or needy caretaker who is temporarily absent from the home to assure the child(ren) receives the benefits for which he or she is eligible. If the parent or needy caretaker refuses or fails to make the benefit available, the TANF benefit is terminated.

20. See OAC 340:50-5-2 for food stamp policy.

SUBCHAPTER 12. CONDITIONS OF ELIGIBILITY - SOCIAL SECURITY NUMBERS

Section

340:10-12-1. Social Security number (SSN)

340:10-12-1. Social Security number (SSN)

Federal regulations require a SSN or application for a SSN for each individual determined eligible for Temporary Assistance for Needy Families (TANF). The individual's needs are included in the TANF benefit with a 25% penalty reduction of the payment standard until a SSN is applied for or provided for that individual(s). The 25% penalty is removed effective the date the SSN is applied for or provided. ■ 1

INSTRUCTIONS TO STAFF

1. Refer to OAC 340:65-3-1(e)(1) and OAC 340:10-3-57(h).