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POLICY TRANSMITTAL NO. 07-45	DATE: SEPTEMBER 24, 2007
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-1; and 10-2-5 through 10-2-8.

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

OAC 340:10-2-1 is revised to: (1) add a formula for determining the average weekly countable work hours for a work-eligible individual who is self-employed; (2) remove language that allows short term closures by a facility to count as a holiday in calculating client TANF Work participation; (3) remove the ability to count excused absences from participation in hour increments; and (4) remove community services as a TANF Work activity.

OAC 340:10-2-5 is revised to update client TANF Work participation reporting responsibilities.

OAC 340:10-2-6 is revised to limit job readiness activities.

OAC 340:10-2-7 is revised to: (1) remove community service as a TANF Work activity; (2) add job skills training as a TANF Work activity; and (3) update client TANF Work participation reporting responsibilities.

OAC 340:10-2-8 is being revised to: (1) update client TANF Work participation reporting responsibilities; and (2) reflect the current form numbers.

Original signed on 8-15-07

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Mary Stalnaker, Director  
Family Support Services Division

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Sharon Neuwald, Coordinator  
Office of Legislative Relations and Policy

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WF # 07-13 (NAP)

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**INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

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

**REMOVE**

**INSERT**

340:10-2-1	340:10-2-1, pages 1-8, revised 10-1-07
340:10-2-5	340:10-2-5, pages 1-2, revised 10-1-07
340:10-2-6	340:10-2-6, pages 1-3, revised 10-1-07
340:10-2-7	340:10-2-7, pages 1-7, revised 10-1-07
340:10-2-8	340:10-2-8, pages 1-12, revised 10-1-07

### 340:10-2-1. Work requirements

Revised 10-1-07

All parents or needy caretakers who apply for or receive cash assistance from the State of Oklahoma are required to be engaged in a work activity. The parent(s) or needy caretaker must participate in work activities for the number of hours weekly that are necessary to move that individual into employment and self-sufficiency. ■ 1

(1) **Work-eligible individual.** A work-eligible individual is defined as an adult or minor head-of-household included in the Temporary Assistance for Needy Families (TANF) assistance unit. Excluded from this definition is a parent providing care for a disabled family member living in the home who does not attend school on a full-time basis, provided the need for such care is supported by medical documentation. ■ 2

#### (2) **Minimum hours of work activities.**

(A) All TANF applicants and recipients who meet the definition of a work-eligible individual are required to participate the minimum hours of work activities.

(i) A work-eligible individual must participate an average of 30 hours per week, with the exception of a single custodial parent with a child under age six who must participate an average of 20 hours per week. ■ 3

(ii) In a two-parent family when deprivation is based on incapacity, the non-incapacitated adult must average 30 hours per week, unless required in the home to provide care for the incapacitated work-eligible parent. ■ 4

(iii) In a two-parent family when deprivation is based on unemployment, one adult must participate in work activities an average of 35 hours per week and the other adult must participate an average of 30 hours per week. If one parent is an ineligible alien, the other parent must participate an average of 35 hours per week.

(iv) To determine the average weekly countable work hours for a work-eligible individual who is self-employed, the worker:

(I) determines the individual's monthly countable earned self-employment income per OAC 340:10-3-32;

(II) divides that figure by the federal minimum wage; and

(III) divides that figure by 4.3 which equals weekly countable work hours.

(B) Hours missed due to holidays and a maximum of an additional ten days of excused absences count as hours of participation for any unpaid scheduled work activity.

(i) Federal law establishes public holidays. State holidays are ordered observed by the Governor. ■ 5 If the facility where the participant is scheduled to attend is open on a designated holiday, this day is not considered a holiday for participation purposes.

(ii) Excused absences are reasonable, short-term hours missed from a scheduled work activity. There are a maximum of ten days of excused absences in any 12-month period. No more than two days of excused absences in a month are counted as hours of TANF Work participation. ■ 6 All excused absences must be approved by the worker. ■ 7 An excused absence is defined as:

(I) unavailability of appropriate child care;

(II) illness or injury of the participant or a family member who lives in the household. The family member must meet the definition of a relative per OAC 340:10-9-1;

(III) scheduled doctor appointments for the participant or a family member who lives in the household;

(IV) court-required appearance by the participant;

(V) required attendance at parent and teacher conferences by the participant;

(VI) temporary unavailability of planned transportation when needed or inability to arrange for transportation;

(VII) occurrence of inclement weather that prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;

(VIII) crisis intervention needed due to domestic violence issues;

(IX) family crisis; or ■ 8

(X) required attendance of the participant for a specific appointment by another governmental entity.

(iii) To count an excused absence or holiday as hours of participation, the individual must have been scheduled to participate in an allowable work activity for the period of the absence. Participation allowances are paid for approved holidays and approved excused absences.

(3) **Work activities.** ■ 9 Work activities are defined as core and non-core and must be scheduled, structured, and supervised. TANF Work participants are placed in core work activities when appropriate.

(A) Core work activities are:

(i) unsubsidized employment that is full-time or part-time employment in the public or private sector that is not subsidized by TANF or any other public program;

(ii) subsidized private sector employment that is employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;

(iii) subsidized public sector employment that is employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient;

(iv) Work Experience Program (WEP) that is a work activity that provides an individual with an opportunity to acquire general skills, training, knowledge, and work habits necessary to obtain employment;

(v) on-the-job training that is training in the public or private sector that a paid employee receives while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job;

(vi) job search that is the act of seeking or obtaining employment and job readiness that prepares the person to seek or obtain employment, and includes life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable; and ■ 10

(vii) vocational training, not to exceed 12 months, that are organized educational programs directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree.

(B) Non-core work activities are:

(i) job skills training directly related to employment that is training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace;

(ii) education directly related to employment, in the case of a recipient who has not received a high school equivalency, that is education related to a specific occupation, job, or job offer; and

(iii) satisfactory school attendance at a secondary school or in a course of study leading to a General Educational Development (GED) certificate, in the case of a recipient who has not completed secondary school or received such a certificate, that is regular attendance with the requirements of the secondary school, or in a course of study leading to a GED certificate.

**(4) Limitations and special rules.** A single custodial parent who has:

(A) not attained 20 years of age and has not completed high school is determined to be in a work activity for the month if the recipient maintains satisfactory attendance at a secondary school or equivalent during the month; or  
■ 11

(B) a child under the age of four months is not required to participate in a work activity. The recipient can use this special rule for a lifetime limit not to exceed 12 months.

## **INSTRUCTIONS TO STAFF 340:10-2-1**

**Revised 10-1-07**

**1. (a) Application.** During the application process, the worker reviews with the applicant his or her responsibilities listed on Form 08TW002E, TANF Work/Personal Responsibility Agreement, which is initiated during the application process.

**(b) Employability plan. The activities related to the parent(s)' or needy caretaker's employability plan are:**

**(1) determining the most appropriate work activity for the parent(s) or needy caretaker;**

**(2) determining the parent(s)' or needy caretaker's hours of participation in a work activity;**

**(3) informing the parent(s) or needy caretaker of the:**

**(A) work requirements, including providing Oklahoma Department of Human Services (OKDHS) Publication No. 93-10, "TANF Work - The Future is Yours"; and**

**(B) availability of supportive social services, such as medical assistance, child care, housing, and transportation;**

**(4) assisting the parent(s) or needy caretaker to complete Form 08TW002E and update Section 7, Participant Agreement/Employability Plan, as often as indicated by the individual's needs;**

**(5) providing assistance in arranging for child care during participation in activities;**

**(6) initiating the sanction process as outlined in OAC 340:10-2-2 if the parent(s) or needy caretaker fails to meet the work requirements;**

**(7) establishing or maintaining community and participant contacts that support Temporary Assistance for Needy Families (TANF) Work activities;**

**(8) maintaining records of current resource materials that provide information and assistance to staff and parent(s) or needy caretaker;**

**(9) establishing and maintaining a cooperative working relationship with local agencies or groups that provide job readiness and employment opportunities;**

**(10) developing new resources or identifying existing resources to create new work sites;**

(11) providing consultation and assistance to ensure orderly program operations, which requires meeting with OKDHS staff, work participants, community groups, and employers;

(12) conducting small group workshops on an as-needed basis to provide information and instruction regarding the various work activities available; and

(13) updating the TANF Work tab and Auth. ET&E tab on Family Assistance/Client Services (FACS), showing the participation status of each parent or needy caretaker and using Case Notes to document the participation activities and other needs of the family members.

(c) Termination of TANF cash assistance. At the time TANF cash assistance is terminated, the worker explores with the family any continued need for social services. When termination of cash assistance is due to employment or increased earnings, the worker explains availability of transitional child care, medical services, and the earned income tax credit.

2. Worker updates FACS, TANF Work tab to CD, caring for a disabled individual and codes a good cause authorization on FACS, Auth. ET&E tab.
3. Countable hours of TANF Work participation must include a minimum of 20 core hours of work activities. Refer to paragraph (4) of OAC 340:10-2-1 for the limitations for a single custodial parent under the age of 20 who has not completed high school.
4. (a) The incapacitated work-eligible parent is not required to participate in TANF Work activities. FACS, TANF Work tab, ET&E status must be updated to DI, disabled individual. The worker codes a good cause authorization on FACS, Auth. ET&E tab.

(b) When the client provides medical documentation that substantiates the work-eligible spouse of the incapacitated parent is required in the home to provide care, the worker updates FACS, TANF Work tab, ET&E Status to CD, caring for a disabled individual. The worker codes a good cause authorization on FACS, Auth. ET&E tab.
5. (a) Federal holidays are set by law and state holidays are declared by the Governor. If the holiday falls on a Saturday, usually Friday is observed as the holiday; if it falls on a Sunday, usually Monday is observed as the holiday.

**The allowed holidays are:**

- (1) New Years Day;**
- (2) Independence Day;**
- (3) Christmas Day and the day before or after;**
- (4) Martin Luther King, Jr. Day;**
- (5) President's Day;**
- (6) Memorial Day;**
- (7) Labor Day; and**
- (8) Thanksgiving Day and day after.**

(b) A facility closure, such as spring break, fall break, and Christmas break, is **not** considered a holiday for participation purposes. Summer break for a secondary school is not considered a holiday for minor parents attending high school.

6. **The worker uses** the ETPANEW transaction **for** the appropriate ET&E authorization **to enter holiday and excused absences.** **OKDHS pays participation allowances** for holidays and approved excused absences. Holidays must be coded as H on the appropriate day(s). Approved excused absences are coded E with the appropriate number of hours on the specific day(s). The payment of a part-time or full-time participation rate is dependent on the number of hours coded for the approved excused absence(s). The maximum number of countable approved excused **absences** are:

- (1) two days** for any given month; or
- (2) ten days** for the federal fiscal year.

7. Coordination between the participant, facility, and worker must be ongoing to accurately verify and document the number of hours coded as an excused absence.

8. Examples of a family crisis are attendance at a funeral or emergency home

**maintenance issues.**

**9. Refer to OAC 340:10-2-2 for the determination of good cause.**

**10. Job search and job readiness activities are limited in counting toward the participation rate to four consecutive weeks and a maximum of 12 weeks in the federal fiscal year.**

**11. Refer to OAC 340:10-2-6 Instructions to Staff 2 for participation requirements.**

### **340:10-2-5. Job search activities**

Revised 10-1-07

The primary objective of all job search activities is for applicants and recipients of Temporary Assistance for Needy Families (TANF) to obtain employment through personal contacts with employers. The worker and the individual jointly determine the number of employer contacts based on availability of child care, financial resources, jobs in the community, skills and abilities, and any other factors which affect or influence the individual's ability to obtain employment.

(1) An employer contact is defined as a face-to-face interview with an employer, the completion and return of any application to an employer, or the completion of tests required for employment with the state, local, or federal government. Referrals to employers are made on Form 08TW011E, Employment Referral. The individual records employer contacts on Form 08TW010E, Employer Contact List.

(2) Job search is defined as the individual's job seeking efforts. ■ 1 Individuals in job search activities are eligible for participant allowances and day care for the time they are actively looking for a job or in a group activity. ■ 2

(A) The individual is given Form 08TW013E, TANF Time and Progress Report, to complete and return to the worker by the time frame shown on the form. ■ 3

(i) Additional job search may be required as a part of another work activity if it would improve the individual's employment prospects. ■ 4

(ii) The number of employer contacts to be made each week is included in the employability plan. ■ 5

(B) If the individual has been unsuccessful in obtaining a job after a reasonable amount of time, the worker and individual review the employability plan to determine if another activity is more appropriate.

(C) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any individual. ■ 6

### **INSTRUCTIONS TO STAFF 340:10-2-5**

Revised 10-1-07

- 1. The worker provides information, resources, and any materials needed by the individual to initiate the job search process. This can include inviting employers to provide information about their businesses and available employment in the community. The worker is responsible for monitoring the individual's job search activities. This includes reviewing the completed Form 08TW013E, TANF Time and Progress Report, spot-checking the accuracy of the information on Form 08TW010E, Employer Contact List, and any other activities necessary to assist the individual towards self-sufficiency.**
- 2. See OAC 340:10-2-8 and OAC 340:40.**
- 3. Form 08TW13E advises the participant to submit pages one and two to the local human services center (HSC) by the 20<sup>th</sup> of the current month and pages three and four by the fifth of the next month.**
- 4. The placement services of other agencies, such as Job Training Partnership Act, community colleges, and vocational technical schools are used when available.**
- 5. The worker makes a face-to-face contact with each individual to determine progress, to see if any problems exist, and to offer encouragement and support.**
- 6. No more than four consecutive weeks can count as federal participation at one time.**

### 340:10-2-6. Job readiness

Revised 10-1-07

Job readiness activities help prepare participants for work by ensuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market.

(1) **Orientation.** Participants are referred to orientation as the need is identified on Form 08TW002E, TANF Work/Personal Responsibility Agreement. Orientation consists of individual or group meetings designed to present information about:

(A) self-esteem building;

(B) activities and services available through the Temporary Assistance for Needy Families (TANF) Program;

(C) the Oklahoma Department of Human Service (OKDHS) policies; and

(D) the employment process, including job applications, interviewing, goal-setting, and managing home and work.

(2) **Counseling or treatment.** The worker assists participants who have barriers that prevent them from obtaining or retaining a job by meeting with the participant and appropriate local partners to determine available resources to overcome barriers. Referrals may include counseling or treatment for substance abuse or mental health problems. ■ 1

(3) **Educational services.** Educational services to enhance the participant's potential for employment must be made available. Assignment is based on the criteria listed in (A) through (F) of this paragraph.

(A) Custodial parent participants under 20 years of age without a high school diploma are required to participate in educational activities directed toward the attainment of a high school diploma or its equivalent. ■ 2 These individuals may be excused from high school attendance or courses designed to lead to a General Educational Development (GED) certificate if the employability plan includes an alternative, such as basic education or English as a second language (ESL). ■ 3

(B) Participants age 20 or older that have not completed high school can participate in a basic or remedial education program.

(C) Assignment to remedial education services is appropriate for participants who read and write below high school level, even if they have a high school diploma or GED certificate. Basic and remedial education includes Adult Basic Education (ABE) classes, GED classes, Certificate of High School Equivalency literacy classes, tutoring, or remedial reading classes.

(D) Participants lacking proficiency in understanding, speaking, reading, or writing the English language are assigned to ESL classes.

(E) Participants already in attendance at an institution of higher education are considered appropriately assigned if the participant cooperates in the assessment process and development of an appropriate employability plan. However, the participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1.

(F) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any individual. ■ 4

## **INSTRUCTIONS TO STAFF 340:10-2-6**

### **Revised 6-1-07**

- 1. Specific plans include any combination of treatment and work activities that assist the participant to achieve self-support. The plan is developed with the participant and local partners' input. Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, reflects the resource or treatment facility involved, specific hours of each activity, the start and end dates, and the initials of the participant as changes are made on the plan. It may be necessary to meet frequently with the participant and local partners to monitor the participant's progress and determine the need for any changes in the plan.**
- 2. These participants are required to work on a high school diploma or General Educational Development (GED) certificate and cannot be required to participate in any other Temporary Assistance for Needy Families (TANF) Work activity. They may volunteer to participate in a TANF Work activity that is scheduled, structured, and supervised when school or GED classes are not in session. Participants who volunteer cannot be sanctioned for failure to participate. As with any approved TANF Work activity, participation must be coded on Family Assistance Client Services (FACS).**
- 3. For a teen parent who is a child in the TANF assistance unit, refer to OAC 340:10-13-1 for requirements for school attendance.**

- 4. No more than four consecutive weeks can count as federal participation at one time.**



### 340:10-2-7. Training

Revised 10-1-07

(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 08TW003E, 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 Oklahoma.

(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. ■ 3

(1) **Benefits.** 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.

(2) **WEP assignments.** WEP assignments are approved for an initial period of three months.

(A) No salary is paid.

(B) With respect to injuries incurred during working hours in WEP, federal law requires 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. ■ 4

(3) **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:

(A) determines which facility best meets the participant's needs;

(B) arranges for an interview between the facility and the participant; and

(C) notifies the participant of the place, time, and interviewer's name. ■ 5

(4) **WEP facilities.** 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. Training facilities are solicited by OKDHS staff or a contracted entity who has agreed to assist with job development and placement including WEP. ■ 6  
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: ■ 7

(i) a written description of the type of activities the participant will be involved in;

(ii) the number of participants the facility can accept;

(iii) the hours of participation; and

(iv) any special requirements. ■ 8

(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. 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 on or before the completion of the three month placement.

(5) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program – Nonprofit Training Agreement, or Form 08TW115E, Work Experience Program – For-Profit Training Agreement.

(A) The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form 08TW013E, Time and Progress Report.

(B) It is the participant's responsibility to complete Form 08TW013E and submit it to the worker by the time frame shown on the form. ■ 9

(C) Approved training slots that have not been utilized within a six-month period are reviewed for appropriateness. If the position is no longer feasible, human services center (HSC) staff sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.

(6) **Non-cooperation by WEP facility.** When the worker obtains information that the facility is violating the terms and conditions of Form 08TW015E, Form 08TW115E, 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. ■ 10

(7) **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.

(8) **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. ■ 11 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 worker reviews the employability plan 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 08MP013E, Information/Referral - Social Services. It is the responsibility of the worker to coordinate with the Job Corps center and arrange for child care. ■ 12

(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 HSCs involved are expected to comply with the terms of those agreements. ■ 13

(g) **Job skills training.** Training that is directly related to employment for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.

**INSTRUCTIONS TO STAFF 340:10-2-7**

**Revised 10-1-07**

- 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. Care is given to avoid placement of trainees with facilities which consistently use WEP trainees without providing first option employment.**
- 4. The county director reports injuries to the Oklahoma Department of Human Services (OKDHS) Support Services Division (SSD) Risk, Safety and Emergency Management Unit on Form 23RS046E, Employee's Report of Job-Related Accidental Injury or Illness.**
- 5. 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 08TW002E, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form 08TW014E, Work Experience Program - Nonprofit Participant Agreement, or Form 08TW114E, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form 08TW014E or Form 08TW114E is mailed to the facility as notification of the participant's starting date.**
- 6. 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).**

- 7. The worker forwards the written description to the county director requesting approval of the training slot.**
- 8. Special requirements are items such as uniforms or special equipment.**
- 9. Form 08TW013E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 20<sup>th</sup> of the current month and pages three and four by the fifth of the next month.**
- 10. Family Support Services Division (FSSD) may be consulted for appropriate procedures.**
- 11. See OAC 340:10-2-7(c)(1).**
- 12. The worker documents participation on the Information Management System by using the ETPANEW transaction.**
- 13. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. 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**

Revised 10-1-07

(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.

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

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

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

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

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

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

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

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

(B) have a guaranteed offer of employment; or

(C) be employed.

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

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

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

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

(7) Ongoing maintenance payments are not allowed.

**(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. ■ 6 The maximum amount approved cannot exceed \$40 per month.

**(2) Participant allowances.** Allowances, up to a maximum of \$10 for each day, are made to participants in assigned work activities which are scheduled, structured, and supervised. ■ 7

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

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

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

(D) The daily allowance paid is: ■ 9

(i) \$7 each day when the work activity equals four hours or less; or

(ii) \$10 each day when the work activity equals more than four hours.

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

(4) **Child care.** Child care arrangements are made for each child(ren) in the home who is under age 13, mentally or physically incapable of self care, or under court supervision. The plans for child care are included on Form 08TW002E, TANF Work/Personal Responsibility Agreement. When the 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, HSC staff contact the Family Support Services Division TANF Section.

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

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

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

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

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

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

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

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

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

**Revised 10-1-07**

- 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, unless the appropriate area director or designee approves the authorization for an amount above \$750. Dental can be approved in an amount up to \$2500 without area director or designee approval. For a dental expense above \$2500, the worker contacts Family Support Services Division (FSSD) TANF Section.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(B)** The case record must contain a statement from a qualified individual as to whether the vehicle is worth repairing based on the age and overall condition.

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

**(22) General Educational Development (GED) examinations.** This service is utilized for 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 human services center (HSC) is in the process of obtaining a transportation contract or when there is no vendor available or interested in contracting with the HSC.

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

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

**(26) Child care fees.** This service can be utilized when child care arrangements have been made and the participant needs assistance paying an enrollment or activity fee. These funds are not available for the actual child care costs.

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

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

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

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

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

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

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

**4. The worker must:**

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

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

**(3) not include state or local taxes in the negotiated amounts;**

**(4) pre-determine and authorize any payment or service by signing the Authorization to Purchase form; and**

**(5) inform the participant to sign the Authorization to Purchase form only after the service has been rendered.**

5. (a) The payment screen is accessed through the online Finance Division system or the Finance Applications Web site on the InfoNet.
- (1) Data entered on the provider includes federal identification number, address, and telephone number.
- (2) The worker enters on the same screen:
- (A) case number;
- (B) cash amount of the service;
- (C) the object code found on OKDHS Appendix H-4, Flexible Accounts; and
- (D) a description of the service to be provided to the participant. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.
- (3) When all the information is entered, the completed form is printed and given to the participant.
- (b) The county director or designee is responsible for periodically monitoring the expenditures from the flexible fund account.
6. The work activity payment is accessed through the ETPANEW screen. This payment can be issued as needed up to \$40 per month. This payment is not issued to supplement monthly living expenses.
7. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), or on-the-job training (TT). Refer to OAC 340:10-2-1 for the payment of participation allowances for holidays and excused absences.
8. Form 08TW13E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 20<sup>th</sup> of the current month and pages three and four by the fifth of the next month.
9. Participant allowances are determined using the ETPANEW transaction and entering the hours reported by the recipient on Form 08TW013E. 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. The worker accesses Oklahoma State Bureau of Investigation (OSBI) background requests through the FSSD TANF home page on the OKDHS InfoNet.**

**(1) At the bottom of the TANF home page, there is a link to the online OSBI form.**

**(2) All applicable fields must be completed on this form.**

**(3) When completed, the worker clicks the submit information button to send the request for processing.**

**(4) A response is sent to the requesting worker as soon as possible.**

**(5) The response is retained in the case record in a section marked confidential.**

**(6) The worker mails a copy, if required to the requesting facility.**

**11. Purchased child care is arranged and claimed in accordance with OAC 340:40.**

**12. TANF clients who are in the Work Supplementation Program, special medical, or continuing medical benefit status continue to be eligible to receive transportation services.**

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

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

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

**(2) The TANF Work recipient completes and signs Form 08TA010E, Part I, and the reverse side, Request for Release of Disability Information. If the**

**individual referred is a minor child(ren), the parent or guardian signs for the child.**

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

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

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

- (1) interviewing the referred recipient;**
- (2) reviewing Social Security Administration (SSA) files;**
- (3) obtaining existing medical records;**
- (4) obtaining non-medical evidence;**
- (5) arranging medical examinations;**
- (6) obtaining evaluations of residual functional capacity;**
- (7) completing and submitting required SSA forms;**
- (8) submitting evidence to SSA; and**
- (9) advocating, formally or informally, on behalf of the recipient.**

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

- (1) filing of an SSA application;**
- (2) SSA initial decision;**

- (3) request for an SSA reconsideration;**
- (4) SSA reconsideration decision;**
- (5) request for an Administrative Law Judge hearing;**
- (6) SSA hearing decision;**
- (7) decision by the SSA Appeals Council; and**
- (8) current status of the referral, if no report has been made in the previous three months.**