
POLICY TRANSMITTAL NO. 10-13	DATE: MAY 10, 2010
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-1 through 10-2-2; 10-2-4; 10-2-7 through 10-2-8; 10-3-5 through 10-3-6; 10-3-9; 10-3-31; 10-3-33; 10-3-58; 10-9-1; 10-10-1; 10-10-3; and 10-20-1.

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 clarify deprivation when both parents are ineligible aliens.

OAC 340:10-2-2 is revised to: (1) update language to current terminology; and (2) add clarifying language. Instructions to Staff (ITS) are updated to clarify food benefit procedures when the Temporary Assistance for Needy Families (TANF) benefit is closed.

OAC 340:10-2-4 is revised to update information about the Work Opportunity Tax Credit (WOTC).

OAC 340:10-2-7 ITS are revised to add clarifying language that the first 12 months spent in vocational training as part of the employability plan may count as core hours.

OAC 340:10-2-8 is revised to clarify that payment of flex funds are allowed as long as the service was rendered after application or request for flex funds. ITS are updated to advise staff to document any Oklahoma State Bureau of Investigation (OSBI) background requests in case notes.

OAC 340:10-3-5 is revised to: (1) clarify definition of exempt vehicles to include motorcycles; (2) increase the allowable exclusion of a combination of irrevocable burial contracts, revocable prepaid burial contract, and the cash value of life insurance from \$7500 to \$10,000; and (3) add clarifying language.

OAC 340:10-3-6 is revised to update language to current terminology.

OAC 340:10-3-9 ITS are revised to: (1) update language to current terminology; and (2) correct policy cites.

OAC 340:10-3-31 is revised to: (1) update language to current terminology; and (2) add clarifying language.

OAC 340:10-3-33 is revised to clarify that applicants are eligible to receive the same standard deduction for work related expenses as recipients. ITS are revised to clarify what information is entered in the TANF Work hours field of the Family Assistance/Client Services (FACS) Eligibility Notebook Income tab.

OAC 340:10-3-58 is revised to: (1) clarify how income is determined; and (2) update language to current terminology.

OAC 340:10-9-1 is revised to clarify verification of relationship.

OAC 340:10-10-1 is revised to clarify which deprivation factors apply to one or two parent households.

OAC 340:10-10-3 is revised to: (1) clarify when both parents are ineligible aliens, the family does not qualify as a two parent family; and (2) specify what happens when the primary wage earner is not able to participate in TANF Work activities after certification.

OAC 340:10-20-1 is revised to clarify that a step-parent may be included in the Diversion Assistance benefit.

Original signed on 4-16-10

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Sandra Harrison, Coordinator
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WF # 09-26 (NAP)

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.

<u>REMOVE</u>	<u>INSERT</u>
340:10-2-1	340:10-2-1, pages 1-8, revised 6-1-10
340:10-2-2	340:10-2-2, pages 1-7, revised 6-1-10
340:10-2-4	340:10-2-4, pages 1-12, revised 6-1-10
340:10-2-7	340:10-2-7, pages 1-9, revised 6-1-10
340:10-2-8	340:10-2-8, pages 1-12, revised 6-1-10
340:10-3-5	340:10-3-5, pages 1-10, revised 6-1-10
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340:10-3-31	340:10-3-31, pages 1-3, revised 6-1-10
340:10-3-33	340:10-3-33, pages 1-4, revised 6-1-10
340:10-3-58	340:10-3-58, pages 1-2, revised 6-1-10
340:10-9-1	340:10-9-1, pages 1-2, revised 6-1-10
340:10-10-1	340:10-10-1, pages 1-2, revised 6-1-10
340:10-10-3	340:10-10-3, pages 1-5, revised 6-1-10
340:10-20-1	340:10-20-1, pages 1-4, revised 6-1-10

340:10-2-1. Work requirements

Revised 6-1-10

All parents or needy caretakers who apply for or receive cash assistance from 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 person into employment and self-sufficiency. ■ 1

(1) **Work-eligible person.** A work-eligible person 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 person are required to participate the minimum hours of work activities.

(i) A work-eligible person 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 participate in work activities an average 30 hours per week, unless:

(I) required in the home to provide care for the incapacitated work-eligible parent; ■ 4 or

(II) he or she is a custodial parent with a child under age six. In this instance the non-incapacitated adult must participate an average of 20 hours per week.

(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. If both parents are ineligible aliens, the family does not qualify as a two-parent family as the work requirement cannot be met.

- (iv) To determine the average weekly countable work hours for a work-eligible person who is self-employed, the worker:
 - (I) determines the person'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 80 hours 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 80 hours of excused absences in any 12-month period. No more than 16 hours 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 person 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 a person 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 persons for employment in current or emerging occupations requiring training. ■ 11

(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 a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace; ■ 12

(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) A single custodial parent who has 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. ■ 13

(B) A single custodial parent or the non-incapacitated adult in a family where deprivation is based on incapacity who has 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 6-1-09

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 person'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 person 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 person. 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 person. 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. Approved excused absences must be documented in the Family Assistance/Client Services (FACS) case notes and noted on or documentation attached to Form 08TW013E, Time and Progress Report. 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) 16 hours for any given month; or
 - (2) 80 hours 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. See OAC 340:10-1-4 regarding 60-month time limits.
10. Job search and job readiness activities are limited in counting toward the participation rate to four consecutive weeks and a maximum of 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period.
11. Countable vocational training may include up to 12 months toward a two year vocational training certificate, an associate's degree, a bachelor's degree, or an advanced degree program that qualifies a person to obtain immediate employment in a specific field.
12. Time spent in vocational training in excess of 12 months may be counted as job skills training, if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.
13. Refer to OAC 340:10-2-6.1 Instructions to Staff #1 for participation requirements.

340:10-2-2. Sanction process

Revised 6-1-10

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

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

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

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

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

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

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

(D) accept or maintain appropriate employment;

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

(F) comply with a substance abuse treatment plan.

(c) **Failure to participate without good cause.** The worker must contact the individual to determine good cause. ■ 2 If it is determined at this contact that good cause does exist, the worker assists the individual with either updating the employability plan or helping the individual resume the activity as soon as possible. ■ 3 If it is determined there is not good cause for failure to participate or no contact was completed, the worker closes or denies the cash assistance. ■ 4

(d) **Determination of good cause.** All good cause situations are temporary in nature. An individual may have good cause for refusing or failing to participate in Temporary

Assistance for Needy Families (TANF) Work. The worker determines whether or not good cause exists. ■ 5

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

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

(1) When there has been no contact with the individual 30 calendar days after the effective date of closure, the worker makes a home visit to determine the family's circumstances and offers appropriate services, unless the worker's personal safety is in question. ■ 6

(2) Individuals who agree to participate within 60 calendar days of the date of the benefit termination may have their benefit recertified on reconsideration of the administrative action. ■ 7 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. ■ 8

(g) **TANF hearing.** An individual who responds to a written notice of denial or termination of cash assistance as a result of failure or refusal to participate in work activities, and the matter cannot be resolved locally, is assisted in requesting a hearing before a hearing officer in accordance with OAC 340:2-5. ■ 9

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

(1) WEP, SEP, or OJT assignments must not result in the filling of any established vacancy which:

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

(B) impairs existing contracts for services;

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

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

(D) infringes in any way upon promotional opportunities of any currently employed individual.

(2) If an employee or authorized representative wishes to file a grievance for any of the reasons stated in paragraph (1) of this subsection, the request is submitted in writing to the attention of the county director of the county in which the alleged violation occurred. The request:

(A) contains the date of the request, the date of the alleged violation, and a description of the alleged violation including the effect on the employee;

(B) is signed by the employee or authorized representative; and

(C) includes the mailing address and telephone number of the person signing the request.

(3) The worker contacts the individual making the request within ten calendar days from the date of receipt of the request in the local office, and attempts to resolve the grievance on an informal basis.

(A) When the grievance cannot be resolved on an informal basis within the ten calendar days, the case is referred to the county director for review and assistance in resolving the grievance.

(B) If the grievance is not resolved within ten calendar days from the date of referral to the county director, the county office notifies the employee in writing of the:

(i) point(s) still at issue in the grievance; and

(ii) right to request a fair hearing within 30 calendar days of the date of this decision.

(C) The 20-day period allowed for resolution of the grievance is part of the 90-day period allowed for disposition of the appeal if the employee appeals.

INSTRUCTIONS TO STAFF 340:10-2-2

Revised 6-1-10

1. **(a)** The worker ensures persons fully understand their rights and responsibilities and the possible consequence of refusal to participate.

(b) The computer will automatically close Temporary Assistance for Needy Families (TANF) case(s) that reflect the TANF Work participant has less than nine hours of participation for two consecutive months and good cause has not been determined. A subject to sanction notice is sent to the participant at the end of the first month of less than nine hours of TANF Work participation. The subject to sanction notice advises the participant to contact his or her worker for a determination of good cause. The TANF case automatically closes on a "52B" at the end of the second month, if the worker has taken no action. Supervisory review is required prior to recertification.

2. The Family Assistance/Client Services (FACS) case notes must clearly document the worker's efforts to contact the person. The preferred contact is a face-to-face interview or discussion over the phone; however, the worker may use Form 08AD092E, Client Contact and Information Request, to contact the person.

3. The case record and FACS case notes must clearly document when good cause is established and when there is an updated employability plan.

4. FACS case notes must clearly document that a refusal or failure to participate is without good cause.

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

(2) Food benefits are closed the same effective date as the TANF closure when the household receives Simplified Supplemental Nutrition Assistance Program (SSNAP) food benefits in accordance with OAC 340:50-11. When the household does not receive SSNAP food benefits, the worker enters a change action in the FACS SNAP tab rather than a closure action. The system applies a food benefit penalty by continuing to count the previous TANF payment standard as income.

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

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

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

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

(B) person becomes employed; or

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

5. The worker must document the reason good cause is approved in the Family Assistance/Client Services (FACS) case notes and file any documentation provided by the person in the case record. Examples of good cause are:

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

(A) a licensed, contracted child care facility;

(B) an approved in-home caregiver;

(C) a dependable relative who is able and willing to assume responsibility for care and supervision of the child for a part of the day;

(D) a free or low cost facility, such as a pre-school, pre-kindergarten, kindergarten, Head Start, Early Head Start, or tribal child care program;
or

(E) informal arrangements made by the parent with a neighbor or friend for occasional care;

(2) the custodial parent caring for a child who has not attained six years of age has demonstrated an inability to obtain needed child care. This is demonstrated by the unavailability:

- (A) of appropriate child care within a reasonable distance from the person's home or work site. A reasonable distance is a distance determined and agreed upon by the parent and the worker and is dependent upon the individual needs of the parent and child(ren);
- (B) or unsuitability of informal child care provided by a relative or provided under other arrangements. Unsuitability of informal child care is an arrangement that does not:
- (i) afford the child(ren) adequate care and supervision. Supervision of a child means the function of observing, overseeing, and guiding a child;
 - (ii) encourage social development or stimulate the child(ren)'s mental capabilities; and
 - (iii) afford the child(ren) a safe and stable environment that provides for learning opportunities; or
- (C) of affordable child care. Affordable child care is defined as not exceeding the maximum child care cost as indicated on Co-payment Chart or the Appendix C-4-B, Child Care Provider Rate Schedule;
- (3) the illness or incapacity of the participant or any household member who cannot give self-care and for whom special care is unavailable. If the illness or incapacity of the participant or any household member does not appear temporary, refer to OAC 340:10-2-8(c)(6), Disability Advocacy Program;
- (4) a court-required appearance or incarceration of the participant;
- (5) the participant's attendance at parent and teacher conferences;
- (6) a family crisis or markedly changed individual or family circumstances;
- (7) the unavailability of planned transportation when needed or the inability to arrange for transportation;
- (8) the occurrence of inclement weather which prevented the participant, and other persons similarly situated, from traveling to, or participating in, the prescribed activity;

- (9) the lack of necessary social services or work activity;
 - (10) the assignment or job referral does not meet the appropriate work activity criteria as defined in OAC 340:10-2-3(d);
 - (11) the refusal to accept major medical services even if such refusal precludes participation in the program;
 - (12) racial, ethnic, religious, sexual, physical or mental disability, or age discrimination or harassment by an employer or other employees;
 - (13) a participant is engaged in another work activity that is consistent with the employability plan;
 - (14) the lack of available treatment in the community for substance abuse or mental health issues affecting the family; or
 - (15) crisis intervention needed due to domestic violence issues.
- 6.** The FACS case notes must document the home visit and describe the family's circumstances or document the reason the home visit was not made. County Worker Activity (CWA) Report 70 is provided for the 30 day follow-up. A contact with Child Welfare may be appropriate prior to or after the home visit.
- 7.** The worker enters the new certification date. This can be a date other than the first day of the month. Action type is certification (1) and reason is "Reopen Cure TANF Work Sanction" (18T). The FSPI must be removed. Refer to the FSPU Transaction by entering M space FSPU.
- 8.** The FACS case notes and Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, must document any requirement placed on the person prior to the recertification of the case.
- 9.** For complaints involving situations covered by Fair Labor Standards Act, such as excessive hours or environmental conditions, the human services center (HSC) director or designee notifies the State Department of Labor.

340:10-2-4. EmploymentRevised 6-1-10

(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 08TW023E, State Work Incentive Referral. ■ 2

(A) 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.

(B) 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.

(C) 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.

(D) Requirements for placing employees in permanent status include:

(i) completing satisfactory performance ratings which are conducted during employment; and

(ii) having possession of the minimum requirements stated in the job specifications.

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

(1) **SEP.** SEP is a subsidized employment program through which a TANF participant is hired in full-time employment with OKDHS reimbursing the employer for partial wages for up to four months. Public agencies, nonprofit private agencies, and private employers are eligible to participate. State agencies expressing an interest in participating in the program are informed that the subsidized employment reimbursement cannot be used to claim matching federal funds. If, for any reason in any given month, a SEP participant is paid less than the amount of his or her cash assistance at the time of entry into the program, the SEP participant receives a supplemental TANF benefit. SEP participants are entitled to all benefits from the employer which are available to other employees. Participants are assigned based on their employability plan and the availability of appropriate and willing employers.

(A) **Participant requirements.** TANF participants must be:

- (i) included in the cash assistance unit; and
- (ii) available for immediate employment.

(B) **Position requirements.** Position requirements must include information listed in (i) through (vi):

- (i) be full-time with an average of 35 hours per week;
- (ii) be at a salary not less than \$10 per hour;
- (iii) provide the same wages, benefits, and working conditions as provided to other employees who are performing a substantially equivalent job;
- (iv) not considering tips as part of the wages;
- (v) conform to the Equal Employment Opportunity Commission and fair employment practices, for example, nondiscrimination regarding age, race, sex, national origin, or disability; and
- (vi) contracts are not written for positions:
 - (I) when there is a strike, lockout, or the contract would cause displacement of other employees;
 - (II) that involve commission sales when at least \$10 per hour is not guaranteed; or
 - (III) that are casual, intermittent, or seasonal labor.

(C) **Recruitment of employers.** Human services center (HSC) designated staff recruits employers interested in SEP. The employer is asked to notify HSC designated staff of potential positions with job specifications and qualifications in order to match the employer with an appropriate TANF participant referral. All SEP referrals are made by HSC designated staff using Form 08TW011E, Subsidized Employment Program (SEP) Referral.

- (i) The program explanation emphasizes that employers are expected to retain the SEP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful SEP

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, SEP employees or other employees in lay-off status must be recalled.
- (iii) HSC designated staff has the responsibility for ensuring the employer is complying with the contract.

(D) **SEP placements.** The HSC designated staff arranges interviews between participants and potential employers. SEP participants may begin employment any time during the month. The employer is informed that reimbursement begins after the participant has completed the first 30 calendar days of employment.

- (i) Following the employer's agreement to participate and selection of a TANF participant, HSC designated staff negotiates the contract, Form 08TW017E, Subsidized Employment Program (SEP) Contract, with the employer. Negotiation must include the beginning date of employment, the salary the employee will be paid, and the planned number of hours per week the participant will be employed.
- (ii) Upon receipt of the contract, HSC designated staff reviews it for completeness and, if approved, signs and dates the contract. ■ 3 HSC designated staff delivers the employer's copy of the contract and Form 08TW018E, Subsidized Employment Program (SEP) Invoice, for requesting reimbursement.
- (iii) HSC designated staff contacts the participant to complete and sign Form 08TW006E, Subsidized Employment Program (SEP) Temporary Assistance for Needy Families (TANF) Participant Agreement. ■ 4
- (iv) If a contract is not approved, a letter is mailed by the HSC designated staff to the employer explaining the reason for the disapproval. ■ 5 HSC designated staff notifies the participant by either telephone or letter that the contract was not approved. ■ 6

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

(i) **TANF cash assistance.** Under SEP, eligibility for TANF cash assistance is frozen. During the period of participation, the TANF assistance unit cannot be determined ineligible. ■ 7

(ii) **Medical benefits.** SEP participants whose TANF cash assistance is frozen, continue to be eligible for SoonerCare (Medicaid) benefits unless found ineligible for a reason other than earned income.

(iii) **Food benefits.** SEP participants whose TANF cash assistance is frozen and who are receiving Simplified Supplemental Nutrition Assistance Program (SSNAP) benefits in accordance with OAC 340:50-11-20 continue to receive SSNAP benefits without consideration of the SEP income during the period of participation as long as household composition remains the same. Once SEP participation period ends and the TANF benefit closes, the household may be eligible for transitional food benefits in accordance with OAC 340:50-11-27.

(iv) **Child care.** Child care plans must be explored with each SEP participant. During the SEP participation period while the TANF cash assistance is frozen and the child is still considered a TANF recipient, the child remains predetermined eligible for child care subsidy benefits with a zero family share co-payment in accordance with OAC 340:40-7-1. Once the SEP participation period ends and the TANF benefit closes, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart.

(F) **Payment of employers.** Employers are eligible for:

(i) reimbursement of 100% of the employee's gross wages for the first 30 days of employment capped at a maximum of 40 hours per week at \$12 per hour;

(I) Employers are eligible to apply for reimbursement 30 calendar days following the date of hire.

(II) Employers file for reimbursement by submitting Form 08TW018E directly to Family Support Services Division (FSSD) TANF Section with proof of the participant's earnings for the last six months attached. ■ 8

(III) When a business changes ownership, the SEP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to file a claim for reimbursement for the transfer month. The new owner may claim for subsidized wages for the remaining months of the original SEP agreement. ■ 7

(ii) reimbursement of 50% of the employee's gross wages based on hourly wage up to the maximum of \$12 per hour the following three months, provided employee remains employed a minimum of 35 hours per week and earning at least \$10 per hour up to 40 hours per week; and

(iii) a bonus equal to 100% of the unsubsidized portion of wages up to 40 hours per week for the four month subsidized period provided the SEP employee remains employed a minimum of 35 hours per week, earning a minimum \$10 per hour, and the employer retains the employee for a minimum period of six months after the subsidized agreement ends. ■ 9

(G) **Supplemental payments to SEP participants.** FSSD automatically issues supplemental payments for months in which income shown on Form 08TW018E is less than the amount of the SEP participant's cash assistance prior to entering the program.

(H) **SEP contract period completions.** At the end of the fourth month of subsidized employment, TANF eligibility is reviewed for continued eligibility. ■ 10

(I) **SEP contract terminations.** At any time the SEP placement is terminated during the four months of subsidized employment, TANF eligibility is reviewed for continued eligibility. ■ 11

(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. ■ 12

(B) Income from OJT is considered as any other earned income. ■ 13
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. ■ 14

(d) **Work Opportunity Tax Credit (WOTC).** ■ 15 The WOTC law permits for-profit employers to take a credit on their federal income tax when workers from certain target groups are hired. Workers in these target groups have faced significant barriers to employment. The WOTC is equal to between 25% to 40% of the first year wages, up to \$9000, depending on the number of hours the employee works and the applicable target group for that person. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while the participating employers are compensated by being able to reduce their federal income tax liability.

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

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

(B) qualified veterans. Qualified veterans are persons who have received food benefits for at least three consecutive months within the last 15 months preceding the date of hire;

(C) qualified ex-felons. Qualified ex-felons are persons who were convicted of a felony and within the last year were either convicted or released from prison;

(D) designated community residents. Designated community residents are persons who have attained age 18 but not yet 40 years of age on the hiring date and his or her principal place of residence is within an Empowerment Zone, Enterprise Community, or a Rural Renewal County and for persons who begin work for an employer after May 25, 2007. This High-Risk Youth group has been

renamed "Designated Community Resident" and expanded to include residents of Rural Renewal Counties; ■ 16

(E) vocational rehabilitation recipients. Vocational rehabilitation recipients are persons with a disability who have received or are receiving vocational rehabilitation from a rehabilitation agency approved by the State or Department of Veterans Affairs; ■ 17

(F) qualified summer youth employees. Qualified summer youth employees are persons at least 16 but not 18 on the hiring date and who has a principal residence in an Empowerment Zone, Enterprise Community, or Rural Renewal County hired between May 1 and September 15;

(G) qualified food benefit recipients. Qualified food benefit recipients are persons who are at least 18 but under age 40 who are:

(i) members of a household that received food benefits for the last six consecutive months prior to their hiring date; or

(ii) able-bodied adults without dependents no longer eligible for benefits who reside with a household currently receiving food benefits or a household that received food benefits for at least three months out of the last five consecutive months prior to the hiring date;

(H) qualified recipients of Supplemental Security Income (SSI). Qualified recipients of SSI are persons who have received SSI for any month during the 60 calendar days before the date of hire;

(I) long-term TANF recipients. Long-term TANF recipients are persons certified by a designated local agency as being members of families:

(i) who have received TANF payments for at least 18 consecutive months ending on the hiring date;

(ii) who have received TANF payments for a total of at least 18 months, whether consecutive or not, after August 5, 1997 if the persons are hired within two years after the date the 18 month total is reached;

(J) Hurricane Katrina employees. Hurricane Katrina employees do not require certification;

(K) unemployed veterans. Unemployed veterans are persons hired after 2008 and before 2011 who:

(i) have been discharged or released from active duty in the United States Armed Forces at any time during the five year period ending on the hiring date; and

(ii) received unemployment compensation under state or federal law for at least four weeks during the one year period ending on the hiring date; and

(L) disconnected youth. Disconnected youth are persons who are certified as:

(i) having attained age 16 but not 25 on the hiring date;

(ii) not regularly attending any secondary, technical, or post-secondary school during the six month period preceding the hiring date;

(iii) not regularly employed during the six month period preceding the hiring date; and

(iv) not readily employable by reason of lacking a sufficient number of basic skills.

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

(3) U.S. Department of Labor Form ETA-9062, Conditional Certification Work Opportunity and Welfare-to-Work Tax Credits, 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 340:10-2-4

Revised 6-1-10

- 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 08TW023E, 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 an Oklahoma Department of Human Services (OKDHS) human services center (HSC), no referral form is needed. Documentation of all referrals and outcomes must be kept in the case record.
3. The original of Form 08TW017E, Subsidized Employment Program (SEP) Contract, is filed in the case record and a copy is routed to the Family Support Services Division (FSSD), TANF Section.
4. The original of Form 08TW006E, Subsidized Employment Program (SEP) Temporary Assistance for Needy Families (TANF) Participant Agreement, is given to the participant.
5. A copy of the letter and the contract are filed in the participant's case record.
6. The date and the means of contact with the participant and the employer is documented in Family Assistance/Client Services (FACS) case notes.
7. (a) Upon receipt of completed Form 08TW006E and Form 08TW017E, the HSC designated staff determines if the new Subsidized Employment Program (SEP) employer is on the provider file.
 - (1) To view provider files, enter P space federal identification (ID) number on the IMS network.
 - (2) If the new SEP employer is not on the provider file, the HSC designated staff enters PU. This transaction brings up a screen that the HSC designated staff must complete by entering the type of request as N, the business name, address, telephone number, and the federal ID number of the new employer.
 - (3) If ownership of the business changes, the new owner information must be on the provider file.
- (b) Once it has been determined the employer is on the provider file, the HSC designated staff must complete a WS authorization.

resending the benefit, status, and effective date fields F24, F25, and F26 in the Household tab.

(b) When the participant is not eligible for TANF, the TANF benefit is closed for the appropriate reason and other benefits sections updated. Determination of need for any continued receipt of cash assistance, medical benefits, food benefits, and child care benefits must be made as soon as possible and supplements made if necessary.

12. The worker refers to on-the-job training (OJT) by completing Form 08TW003E, Interagency Referral and Information.
13. Refer to OAC 340:10-3-40(a)(12). When the on-the-job training (OJT) is from AmeriCorps*Vista, a determination must be made if the gross amount of the payment equals or exceeds the state or federal minimum wage, whichever is greater.
14. The HSC designated staff makes a referral using Form 08TW003E. When the contracted provider has agreed to accept the participant in the program, Form 08TW003E is returned to the HSC. It is the responsibility of the HSC designated staff to notify FSSD TANF Section.
15. The HSC designated staff informs the employer of the availability of the Work Opportunity Tax Credit (WOTC) as it relates to the SEP. WOTC is available for the unsubsidized portion of the wages actually paid.
16. For information about Enterprise Communities go to www.ezec.gov.
17. A person participating in a drug or alcohol treatment facility does not qualify.

340:10-2-7. Training

Revised 11-1-08

(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 participants 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 90 calendar days.

(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 SoonerCare (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 subunits (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 subunits (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: ■ 10

(A) suspension of subsequent assignments at the facility;

(B) immediate removal of current participants; or

(C) termination of the agreement.

(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.** Up to 12 months of participation in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program may count as vocational training when it qualifies a person to obtain immediate employment in a specific field. ■ 13

(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. ■ 14

(g) **Job skills training.** Training that is directly related to employment for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace is considered job skills training. ■ 15

INSTRUCTIONS TO STAFF 340:10-2-7

Revised 6-1-10

- 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. A background check may be considered a prerequisite for potential employment when a criminal history is indicated or when required by a specific employer or field of employment such as medical or child care. This action could prevent an inappropriate placement in a training program that would not best suit the employment needs of the participant. A background check is not necessary for all Temporary Assistance for Needy Families (TANF) participants. 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 and Safety 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 may 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 20th of the current month and pages three and four by the fifth of the next month.
10. The Family Support Services Division (FSSD) TANF Section 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. (a) The first 12 months spent in vocational training as part of the employability plan may count as core hours. Time spent in vocational training in excess of 12 months as part of the employability plan may be counted for participation if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.
 - (b) Persons participating in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program as part of the employability plan may count homework or study time up to one hour for each class hour when the participant provides at the beginning of each new class or semester a class syllabus or a statement from the instructor, professor, or advisor which states that the additional time is:
 - (1) a class requirement;

(2) above and beyond work normally completed during class hours; and

(3) not being used to make up hours of class that have been missed.

(c) The participant documents on Form 08TW013E the hours spent in class. The worker records homework or study time hours only on days the participant attended class on Form 08TW013E and in the system after ensuring that documentation required to count these hours is in the case record.

(d) A practicum placement, internship, or work-based training that is required to complete a degree or vocational training certification may also be counted as vocational training. In some types of degree programs, the work-based training is completed after the degree is obtained. It is only allowable when the person cannot work in the field until the work-based training is completed. An example is student teaching.

(e) All TANF Work activities must be:

(1) coded in the Family Assistance Client Services (FACS) Eligibility Notebook Auth ET&E tab; and

(2) documented in Case Notes.

14. 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.

15.(a) Time spent in vocational training in excess of 12 months that is an approved part of the participant's employability plan may be counted toward the required work activity hours if the participant is also participating in a different approved core activity for a minimum of 20 hours per week.

(b) Homework or study time may count up to one hour for each class hour when the participant provides at the beginning of each new class or semester a class syllabus or a statement from the instructor, professor, or advisor which states that the additional time is:

(1) a class requirement;

**(2) above and beyond the work normally completed during class hours;
and**

(3) is not being used to make up hours of class that have been missed.

(c) The participant documents on Form 08TW013E the hours spent in class. The worker records homework or study time hours only on days the participant attended class on Form 08TW013E and in the system after ensuring that documentation required to count these hours is in the case record.

(d) All TANF Work activities must be:

(1) coded in the FACS Eligibility Notebook Auth ET&E tab; and

(2) documented in Case Notes.

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

Revised 6-1-10

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

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

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

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

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

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

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

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

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

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

(B) have a guaranteed offer of employment; or

(C) be employed.

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

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

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

(6) One-time payments of specific services are not to be used for reimbursement of expenses already paid by the participant or others. ■ 5

(7) Ongoing maintenance payments are not allowed.

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

(c) Other support services.

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

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

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

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

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

(D) The daily allowance paid is: ■ 9

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

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

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

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

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

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

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

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

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

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

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

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

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

INSTRUCTIONS TO STAFF 340:10-2-8

Revised 6-1-10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The worker must:

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

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

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

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

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

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

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

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

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

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

15. The law firm is responsible for:

(1) interviewing the referred recipient;

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

(3) obtaining existing medical records;

(4) obtaining non-medical evidence;

(5) arranging medical examinations;

(6) obtaining evaluations of residual functional capacity;

(7) completing and submitting required SSA forms;

(8) submitting evidence to SSA; and

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

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

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

340:10-3-5. Personal propertyRevised 6-1-10

(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.** A person's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only if the person is not actively engaged in the business enterprise. Equity is not counted if the person 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 person 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 person'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 person 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 person or the Oklahoma Department of Human Services (OKDHS).

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

(B) Accounts owned jointly are considered available to the person unless it can be established what part of the account actually belongs to each of the owners, the money is 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 a person 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 (C) or, if applicable, (D) of this paragraph.

(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 person included in the assistance unit are excluded as a resource if the funds are specifically set aside for the burial arrangements of the person. Any amount in excess of \$1500 for each person 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 person'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 person 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 person did not purchase the prepaid burial, even if the person's money was used for the purchase, the person is not the owner and the prepaid burial funds cannot be considered a resource to the person.

(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 calendar days after the contract is signed.

(i) If the irrevocable election was made prior to July 1, 1986, and the person 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 person 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 \$10,000. When the principal amount exceeds \$10,000, the person is ineligible for assistance. Accrued interest is not counted as a part of the \$10,000 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 a person with power of attorney for the purchaser.

(E) Medical insurance. When a person 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 person, the payment must be applied to the cost of medical services. Any amount remaining after payment for medical services is considered a resource.

(6) Stocks, bonds, mortgages, and notes. The person's equity in stocks and bonds, including United States Savings Bonds, Series A through EE, is considered a resource.

(A) The current market value less encumbrances is the equity.

(B) 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.

(C) If the bond has been held beyond maturity date, it has continued to draw interest.

(D) 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) **Vehicles, pickups, and trucks.** For each automobile, pickup, truck, motorcycle, or other vehicle, 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 person and worker cannot agree on the value of the vehicle, the person 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 person 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 person and worker.

(A) **Exempt vehicles.** One automobile, pickup, truck, motorcycle, 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 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.

(A) The person is given a reasonable amount of time to replace the loss not to exceed 30 calendar days. Extension beyond 30 calendar days may be justified in special instances when completion of the transaction is beyond the person's control.

(B) Any amount remaining after the replacement of the loss is considered as income.

(C) 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

person upon receipt.

(D) 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.

(A) IDAs are managed by community organizations and accounts are held at local financial institutions.

(B) Cash deposits and interest accrued from the deposits made by a person in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility.

(C) The account deposits must be made from earned income, EITCs, or tax refunds.

(11) Saving For Education, Entrepreneurship, and Downpayment (SEED) Initiative accounts. SEED accounts are dedicated savings accounts for persons age 13 through 18 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 administrative entity. SEED accounts are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in a SEED account up to \$2,000 are not considered as income or resources in determining TANF eligibility.

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

(1) food benefit allotments under the Food and Nutrition Act of 2008;

(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 08AD103E, Loan Verification, is completed by the borrower attesting 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. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. 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. 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(ren) included in a TANF benefit if it is determined by the worker the funds are to be used for educational purposes for the child(ren). 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(ren)'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(ren) eligible for TANF, even if the child(ren)'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 (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000;

(10) unearned income received by a child(ren) 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(ren) 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 by Section 5515(d)

of Title 42 of the United States Code (U.S.C.), 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 persons of Japanese ancestry who were detained in internment camps during World War II;

(25) payments made to persons 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 U.S.C.;

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

(28) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain persons who are children of Vietnam War veterans; and

(29) funds in education accounts established under Section 529 and 530 of the Internal Revenue Code or exempted by Section 4000 of Title 56 of the Oklahoma State Statutes. ■ 8

INSTRUCTIONS TO STAFF 340:10-3-5

Revised 11-1-08

- 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(a)(6).
4. See OAC 340:10-3-28(a)(1) 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).
8. Money withdrawn from an education account is not considered unless withdrawn for use other than education. This exclusion includes:

- (1) Oklahoma College Savings Plan accounts. Information about these accounts may be found at <http://www.ok4saving.com/>;**
- (2) Coverdell Education Savings also known as Section 530 accounts; and**
- (3) Qualified Tuition Program also known as Section 529 accounts.**

340:10-3-6. Trust accountsRevised 6-1-10

Monies held in trust for an individual applying for or receiving Temporary Assistance for Needy Families (TANF) must have the availability of the funds determined. Funds held in trust are considered available both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. In this circumstance, a decision regarding availability is made by the worker. ■ 1 Funds may also be held in trust and under the control of someone other than the TANF parent or caretaker relative, such as the courts, agencies, other individuals, or the Bureau of Indian Affairs (BIA). The availability of these funds is determined by using the procedures described in (1) and (2) of this Section.

(1) **Funds held in trust by courts, agencies, or other individuals.** Certain information must be obtained at the time of application or at the time it is learned a trust is in existence. This information must include a copy of the trust instrument, when applicable, a copy of all relevant court documents including Journal Entry, Order, Settlement Agreement, and documentation as to date, amount, and purpose reflecting any prior disbursements.

(A) **Release of trust by written petition or written request.** The availability of the trust can only be determined after a written petition to the court for the release of the total funds has been made or a written request is made to the trustee if the trust is not a court supervised account. The individual is instructed in writing to petition the court in writing or submit a written request to the trustee for release of the total amount of the funds in the trust account.

(i) The written notice to the TANF caretaker relative informs him or her the petition or request must be filed with the court or submitted to the trustee within 30 calendar days from the date of the notice and that failure to do so results in case denial or closure due to the county not being able to determine eligibility. A copy of the petition or request must be submitted by the caretaker relative to the worker. Upon receipt of a copy of the petition or request, the trust account at issue is considered unavailable. The caretaker relative is instructed to provide the worker with a copy of the court or trustee's response.

(ii) When the TANF caretaker relative complies timely with the petition or request but cannot get a response from the court or trustee, the worker offers assistance, such as writing a letter, with his or her written permission, to the

court or trustee. ■ 2

(iii) When the trustee's response to the petition or request is explicit as to the availability of funds, the worker takes appropriate action. Otherwise, the information is submitted under cover memo to Family Support Services Division (FSSD) TANF Section. If necessary, a decision is obtained from the Legal Division about the availability of the funds held in trust.

(iv) A decision regarding trust availability is rendered in one of two ways.

(I) **Trust is not available.** The trust monies are considered unavailable to the child(ren) and further review is not needed unless the trust instrument is amended.

(II) **Trust is available.** The trust monies are considered available as a resource in determining eligibility.

(B) **Periodic review.** If the funds are determined to be unavailable to the individual, they are excluded as a resource at that time. However, at the next redetermination or reapplication the worker obtains information from the court or trustee regarding any modification to the trust instrument and any disbursements. ■ 3 Any disbursements are considered as income the month received. If modification or disbursements have not occurred, the funds continue to be considered as unavailable.

(2) **Funds held in trust by BIA.** Interests of individual Indians in trust or restricted lands are not considered a resource in determining eligibility for assistance under the Social Security Act or any other federal or federally assisted program.

INSTRUCTIONS TO STAFF 340:10-3-6

Revised 6-1-10

1. Refer to OAC 340:10-3-5(10)(G) and (H), Resource disregards, and OAC 340:10-3-40(7) and (8), Income disregards.
2. If the court or trustee does not respond within 30 calendar days, the worker submits a memo to the Family Support Services Division (FSSD) Temporary Assistance for Needy Families (TANF) explaining the situation, including the efforts made to obtain a response to the petition or request.
3. (a) Refer to OAC 340:65-3-8(d), Review or recertification time frames.

(b) If either a modification or a disbursement has occurred, the worker sends details to the FSSD TANF Section where a decision regarding availability of the resource is made.

340:10-3-9. Family relations as a resource

Revised 5-1-00

State law is specific on the mutual responsibility of spouses for each other and of a parent for his or her child(ren). If the husband and wife are living together, a resource, whether income or capital, available to one spouse constitutes a resource available to the other. When there is a break in the family relationship, and the husband and wife are separated, but not divorced or legally separated, they constitute a possible resource to each other and this possible resource is explored to determine what, if any, resource can be made available.

(1) It is the legal responsibility of the natural or adoptive parent(s) to support his or her minor child(ren) to the extent that he or she is able to do so. This responsibility is not affected by any action of either parent affecting the marriage relationship of the parents or by a change in legal custody of the child(ren). A natural or adoptive parent living in the home is responsible for the support of his or her minor child(ren) even though the parent has remarried and the stepparent is also in the home. ■ 1

(2) When a minor with a child(ren) applies for Temporary Assistance for Needy Families (TANF) and lives in the same home with the minor's natural or adoptive parent(s), the income of the minor's parent(s) is considered available and is computed the same as stepparent liability. [OAC 340:10-3-57(f)] Stepparent's income is not considered. In regard to this Chapter, a minor is defined as anyone under 18 years of age, regardless of marital status.

(3) If a minor child(ren) is living in a relative's home, separated from his or her parent(s), the parent(s) continue to be responsible for his or her support, but only such support as actually becomes available to the child(ren) is considered. ■ 2 Support offered by the parent(s) but conditioned on the child(ren)'s moving is considered available only when such a move is in the child(ren)'s best interest.

(4) An adult child(ren) has a moral, but not a legal, obligation to support his or her parent(s) to the extent of his or her ability. The individual's oral statements that contributions are not received from an adult child(ren) and other relatives not living with the individual constitute acceptable substantiation concerning contributions if the statements are pertinent and consistent with other known facts. If the individual states that such contributions are received, verification of frequency and amounts of such contributions is required.

INSTRUCTIONS TO STAFF 340:10-3-9

Revised 6-1-10

1. See OAC 340:10-3-57(e) and (f) for consideration of resources and income when a natural or adoptive parent and stepparent are in the home.
2. The worker is responsible for interviewing the parents to determine whether the parents are supporting the children and, if not, whether they are able to do so. If necessary, the worker makes arrangements to have the parents interviewed by staff in another Oklahoma Department of Human Services office or out-of-state agency. See OAC 340:10-10-5 and 340:10-10-6 regarding securing child support.

340:10-3-31. Earned incomeRevised 6-1-10

(a) The term earned income refers to monies earned by an individual through the receipt of wages, salary, commission, or profit from activities in which the individual is engaged as self-employed or as an employee. Payments made for accumulated annual leave, vacation leave, sick leave, or as severance pay are considered as earned income whether paid during employment or at termination of employment. ■ 1
Temporary disability insurance payment(s) and temporary worker's compensation payments are considered as earned income if payments are employer funded and the individual remains employed.

(b) Earned income received as a one-time nonrecurring payment is considered as a lump sum payment. ■ 2

(c) Earned income includes in-kind benefits received by an employee from an employer in lieu of wages or in conjunction with wages. An exchange of labor or services, for example, barter, is considered as an in-kind benefit. Such benefits received in-kind are considered as earned income only when the employee and employer relationship has been established. ■ 3

(1) The cash value of the in-kind benefits must be verified by the employer.

(2) Income from self-employment also includes in-kind benefits for a work activity or service for which the self-employed person ordinarily receives payment in the business enterprise.

(3) Medical insurance secured through the employer, whether purchased or as a benefit, is not considered in-kind income. ■ 4

(d) Gross earned income is used to determine eligibility for assistance. Gross earned income is defined as the "true wage" prior to payroll deductions and withholdings. Income that is based on the number of hours worked as opposed to income based on regular monthly wages must be computed as irregular income. ■ 5

(e) Countable earned income excludes income from:

(1) capital investments with respect to which the individual is not actively engaged. Dividends and interest on rental properties in the hands of a rental agent with the check forwarded to the recipient is excluded from "earned income;" and ■ 6

(2) benefits not in the nature of wages, salary, or profit accruing as compensation or reward for services, or as compensation for lack of employment. ■ 7

(f) The worker verifies income by the best available information such as pay stubs presented by the individual or an interview with the employer. The worker verifies medical insurance which may be available to the employed Temporary Assistance for Needy Families (TANF) recipient and any dependents at the same time that income is verified.

(1) Pay stubs may only be used for verification if they have the individual's name or social security number indicating that the pay stubs are in fact the individual's wages. The stubs must include the date(s) of the pay period and the amount of income before deductions. If this information is not included, employer verification is required.

(2) With new employment, it is necessary to verify the beginning date.

(3) When a member of the assistance unit accepts employment and has not received any wages, verification of the amount of income to be considered and the anticipated date of receipt must be obtained from the employer. ■ 5

(4) Verified income which is expected to be received during a future month is considered available to the assistance unit and is counted in determining eligibility for that month.

INSTRUCTIONS TO STAFF 340:10-3-31

Revised 6-1-10

- 1. See OAC 340:10-3-5(a)(9)(D); 340:10-3-28(1); and 340:10-3-39(g) for retirement benefits.**
- 2. See OAC 340:10-3-28; and 340:10-3-5(a)(9).**
- 3. The employer's and employee's written or verbal statement that the relationship exists is sufficient but must be documented in the case record.**
- 4. The worker records details about medical insurance in the TPL tab of the Family Assistance/Client Services (FACS) Interview Notebook and in case notes.**
- 5. See OAC 340:10-3-58 for income determination procedures.**

6. See OAC 340:10-3-39 for income other than earned income.
7. Examples include pensions and benefits, such as United Mine Workers' or Veterans benefits.

340:10-3-33. Individual earned income exemptionsRevised 6-1-10

Exemptions from each individual's earned income include a monthly standard work related expense and one-half of the remaining earned income. Exemptions are also allowed for child and adult dependent care expenses the individual is responsible for paying if expenses are not paid through other state and federal funds and the dependent care is in a licensed facility or home. ■ 1 Exempt income is income which by law is not considered in determining need for financial assistance in the Temporary Assistance for Needy Families (TANF) category. Income exempt for one individual is not taken into consideration in determining the need of any other individual for assistance in the State Supplemental Payment (SSP) for the aged, blind, and disabled and TANF.

(1) **Work related expenses.** The standard deduction for work related expenses such as income tax payment, Social Security taxes, and transportation to and from work, is automatically determined monthly for each full-time or part-time employed member of the assistance unit. ■ 2 The standard deduction for work related expenses is:

(A) \$240 for an applicant or recipient employed a minimum of 30 hours per week; ■ 3

(B) \$120 for an applicant or recipient employed less than 30 hours per week; and

(C) \$120 for an individual whose income is considered in determining the amount of the TANF cash assistance. ■ 4

(2) **One-half remainder.** For all countable income earned by each member included in the assistance unit, as well as a stepparent who is not included in the assistance unit, one-half of the remaining earned income is exempted per OAC 340:10-3-57(f)(1). The one-half remainder exemption is not applied to earnings received by participants while in Subsidized Employment Program (SEP). An applicant is only eligible for one-half of the remainder exemption when:

(A) an individual in the TANF assistance unit was included in a TANF benefit in any of the 50 states in addition to the Virgin Islands, Puerto Rico, and Guam, during one of the four months preceding the application; or

(B) the total income of all members minus work related expenses and dependent care expenses is less than the TANF need standard found on Oklahoma

Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, for the appropriate number of individuals.

(3) **Dependent care expenses.** ■ 5 Dependent care expenses are applied after all other earned income exemptions.

(A) Dependent care expenses are not deducted from earnings of participants while in SEP. Dependent care expenses may be deducted when:

(i) suitable care for a child or incapacitated adult included in the TANF assistance unit is not available from responsible individuals living in the home or through other sources;

(ii) the employed TANF assistance unit member whose income is considered in computing the amount of the benefit must purchase care;

(iii) the gross earned income equals or exceeds the work related and dependent care expenses combined; ■ 6

(iv) the child or incapacitated adult receives care in a properly licensed facility or from an approved in-home provider as required by Oklahoma law; and ■ 7

(v) the stepparent of the child(ren) for whom TANF is requested is living in the home and has dependents not included in the assistance unit who are also living in the home per OAC 340:10-3-57(f)(1).

(B) Dependent care expenses must be verified. The actual amount paid per month is deducted up to a maximum of \$200 for a dependent under the age of two or \$175 for a dependent age two or older or for an incapacitated adult. In considering the dependent care expense, only actual work hours and travel time between work and the care facility is allowed. Payment for dependent care is the individual's responsibility. The individual must immediately report any changes in the plan of care. ■ 8

(C) Dependent care provided by another individual in the household who is not a member of the assistance unit may be considered as an expense as long as the caregiver meets applicable state, local, or tribal law.

INSTRUCTIONS TO STAFF 340:10-3-33

Revised 6-1-10

1. (a) The work related expenses, one half of the remainder, and adult and child dependent care exemptions are not applied in determining the amount of overpayment for a month any individual included in the assistance unit or whose income is considered in determining the amount of the benefit has failed to make a timely report of earned income.

(b) In calculating these exemptions, dollars and cents are used to determine the monthly amount for each individual's exemption. After the monthly amount of each exemption has been determined, cents are rounded to the nearest dollar for each exemption. For example: 1 cent - 49 cents, round down; 50 cents - 99 cents, round up. The payment standard minus the net income equals the amount of the assistance payment.

(c) Formulas used to determine net earned income to be considered against the budgetary requirements are:

(1) for income from self-employment, gross income:

(A) minus business expenses. See OAC 340:10-3-32 Instructions to Staff 2 to calculate business expenses;

(B) minus work related expenses;

(C) minus one half of the remainder;

(D) minus dependent care;

(E) equals net income.

(2) net earned income from employment other than self-employment.
Gross income:

(A) minus work related;

(B) minus one half of the remainder;

(C) minus dependent care;

(D) equals net income.

2. The system determines the amount of work related expense allowed based on the number of hours the worker enters in the "TANF Work Hours" field of the

Family Assistance/Client Services (FACS) Eligibility Notebook Income tab and the age of the youngest child. "TANF Work Hours" field must only be coded with 20, 30, or left blank.

- 3. An applicant or recipient with a child under age six, employed a minimum of 20 hours, is eligible for the \$240 work related expense.**
- 4. See OAC 340:10-3-57(f)(1) for information on allocating or diverting income for these persons.**
- 5. When dependent care services are needed for reasons other than employment, the worker makes a determination of dependent care as outlined in OAC 340:40-7-1.**
- 6. When the work related and dependent care expenses exceed the gross amount of earned income, the worker determines dependent care as outlined in OAC 340:40-7-1.**
- 7. An approved in-home provider gives care in the child's own home. See OAC 340:40-13-2 for guidelines in approving an in-home provider.**
- 8. The worker is responsible for:**
 - (1) helping the family select a caregiver capable of providing adequate dependent care, training, and supervision, per OAC 340:40;**
 - (2) advising the family of their responsibility to pay for dependent care; and**
 - (3) advising the family to immediately report any change in the plan of care.**

340:10-3-58. Income determination proceduresRevised 6-1-10

(a) The Temporary Assistance for Needy Families (TANF) is determined based on the best estimate of the amount of income anticipated to be received.

(1) Income received in varying amounts is averaged to establish the amount to be anticipated and considered in determining eligibility. The past 30 days of income is averaged to indicate what income can be anticipated. The available paystubs which accurately reflect the amount the individual earns on an ongoing basis are used unless:

(A) the individual has new employment and paystubs are not available. In this instance, the employer's statement is obtained and must include hourly wage, number of hours worked, and frequency of pay; ■ 1

(B) there has been a change in hourly wage. The new hourly wage is verified by a paystub(s) which includes the new hourly wage. If a paystub reflecting the hourly wage change is not available, the employer is contacted for verification;

(C) there has been a change in number of hours worked. When paystubs are not available, the increase or decrease in hours is verified with the employer and then multiplied by the hourly wage to arrive at the pay for the period;

(D) the individual obtains a second job. The monthly earnings from each job is computed separately and then added together for the total month's gross; or

(E) paystubs are not representative of the normal circumstances. The case record is documented to show why the current pay stubs are not representative of the normal work week and, therefore, not used in the computation. In this instance, income is anticipated by using only the paystubs that are representative.

(2) Income received more often than monthly must be converted to a monthly amount as described in (A) - (D) of this paragraph. The worker must exercise extreme caution when determining whether income is received twice a month or biweekly, every two weeks. ■ 2

(A) Income received on a daily basis is converted to a weekly amount, then multiplied by 4.3.

- (B) Income received weekly is multiplied by 4.3.
- (C) Income received twice a month is multiplied by 2.
- (D) Income received every two weeks is multiplied by 2.15.

(b) In the process of determining the amount of income, it is important to define time frames for verification. The individual is advised in writing concerning the agreed upon verification to be provided within the time frame. If a certification is for a past month, then the actual income, if known, is used when determining the amount to be considered in the past month. Once acceptable verification is provided, no further information is required unless a change occurs. If an individual reports new employment and representative pay periods have not been completed, the best estimate is determined from the information provided by the individual and the employer.

(c) Some case closures may be based on anticipated income. If the individual reports within 30 days of the effective termination date that the anticipated income was not received or was in a lesser amount which does not cause ineligibility, the case is recertified by the administrative error process.

(d) An individual is responsible for reporting changes within 10 days of when the change took place. Action taken by the worker is timely if taken within 10 days of the reporting of the change. ■ 3 All client notices must include the timely reporting requirement.

INSTRUCTIONS TO STAFF 340:10-3-58

Revised 6-1-10

- 1. The worker must obtain the actual number of hours employed if the employer's statement gives an approximated number of hours.**
- 2. In computing monthly income, cents are carried at all steps until the monthly amount is determined and then rounded to the nearest dollar. These rounding procedures apply to each individual and each type of income. See rounding procedures in OAC 340:65-3-4(e)(2)(A) when using BENDEX to verify OASDI benefits.**
- 3. The worker is responsible for explaining Temporary Assistance for Needy Families policy on timely reporting at the time of initial application and at each redetermination.**

340:10-9-1. Relationship of payee to child

Revised 6-1-10

(a) **Specified degree of relationship.** To be eligible to receive Temporary Assistance for Needy Families (TANF), in addition to other qualifications, a child must be living with a person having a specified degree of relationship in a place of residence maintained by one or more of such relatives as his or her own home. An otherwise eligible person is not denied assistance solely because the home is not a fixed address or does not have a mailing address. An individual is recognized as meeting the specified degree of relationship if the individual is related within the fifth degree of kinship. ■ 1 It is only when the child is living with a person of one of these degrees of relationship that there is an eligible payee for the TANF benefit.

(1) **Related by blood.** Blood lines remain intact and are not changed by decisions of legal responsibility. Blood relatives, including half blood, are:

(A) parent(s) including a natural parent even if the child is legally adopted and deprivation is based on the absence of the adoptive parent(s);

(B) siblings;

(C) grandparent(s) including those denoted by prefixes of great, great-great, and great-great-great;

(D) aunt(s) and uncle(s) including those denoted by the prefixes of great and great-great;

(E) niece(s) and nephew(s) including those denoted by prefixes of grand and great-grand; and

(F) first cousin(s) and first cousin(s) once removed.

(2) **Related by marriage.** Use kinship as denoted under (1) of this Section, whether the marriage is common-law or ceremonial. Included are step-relations. Kinship by marriage is included even after the marriage is terminated by death or divorce.

(3) **Related by adoption.** Use kinship as denoted under (1) and (2) of this subsection.

(b) **Verification of relationship.** If the individual making the application for TANF is the child's mother, no further verification is required unless the information is inconsistent

with known facts or observations. If the individual making the application claims to be the natural father, no further verification is required unless information provided is inconsistent with known facts or observations. If the child's mother has alleged this person to be the natural father, relationship is not questionable. If the natural father's name is not on the birth certificate, the natural father is requested to sign a statement acknowledging paternity or provide medical evidence that substantiates the relationship. ■ 2 If the individual who claims to be the natural father refuses, relationship cannot be determined. If the individual making the application is someone other than the parent, the relationship to the child's parent must also be established as outlined in (a) of this Section. The individual's statement as to the relationship to the child's parent is accepted unless the information is inconsistent with known facts or observations. ■ 3

INSTRUCTIONS TO STAFF 340:10-9-1

Revised 6-1-10

1. **Refer to Oklahoma Department of Human Services (OKDHS) Appendix I-7, The Family Tree - Degrees of Kindred According to the Law, for the determination of kinship.**
2. **See OAC 340:10-10-4 for procedures to establish paternity.**
3. **When questions exist regarding relationship, the worker is required to verify the information through acceptable sources. See OAC 340:10-5-1(3) for commonly found sources of verification.**

340:10-10-1. Deprivation of parental support or care by a natural or adoptive parent

Revised 6-1-10

(a) A child is eligible for Temporary Assistance for Needy Families (TANF) if, in addition to meeting other conditions of eligibility, he or she is deprived of parental support or care of at least one natural or adoptive parent(s). ■ 1

(1) When there is one parent in the home, deprivation of parental support is based on the:

(A) death of the other parent; or ■ 2

(B) continued absence from the home and failure to provide maintenance, physical care, or guidance of the other parent.

(2) When both parents are in the home, deprivation of parental support is based on the:

(A) physical or mental incapacity of at least one of the parents; or ■ 3

(B) unemployment of the principal wage earner.

(b) For the purpose of TANF eligibility a parent is defined as the: ■ 4

(1) legal father or mother;

(2) legal adoptive father or mother; or ■ 5

(3) natural father of a child born out of wedlock who acknowledges paternity or, whose paternity has been determined by court action, or established by documentation, or who is alleged by the mother to be the father of the children. ■ 6

INSTRUCTIONS TO STAFF 340:10-10-1

Revised **6-1-09**

1. A child(ren) with a solely responsible parent such as a single parent adoption is eligible.

2. Verification of a parent's death is documented in the case record using a:

- (1) death certificate;**
 - (2) obituary notice from the newspaper;**
 - (3) funeral program; or**
 - (4) notice pertaining to the deceased.**
- 3. The parent must be willing to accept any feasible plan of physical restoration, training, or social services in connection with an employability plan.**
 - 4. A child(ren) whose family does not fall within one of these categories is not eligible regardless of financial need.**
 - 5 To be legal adoptive parents, the final court decree must have been issued.**
 - 6. Documentation for the establishment of paternity can include a birth certificate or a paternity affidavit.**

340:10-10-3. Unemployed parent

Revised 6-1-10

(a) **Applicability.** Deprivation for the child(ren) may be established when both the natural or adoptive parents are residing with the child(ren) and the parent determined to be the principal wage earner (PWE) meets the conditions to qualify as unemployed. If one of the parents is an ineligible alien, unemployment as the reason for deprivation is not ruled out.

(b) **PWE.** The PWE is defined as the parent who earned the greater amount of gross income during the 24-month period ending with the month prior to the Temporary Assistance for Needy Families (TANF) application. This determination is made regardless of when the parent's relationship began or when the parent(s) began residing with the child(ren). The employment or receipt of unemployment insurance benefits of the parent not determined to be the PWE is not a factor in determining deprivation. The amount, dates, and sources of earnings used in determining which parent is the PWE must be documented. It is the assistance unit's responsibility to provide the documentation to the best of the assistance unit's ability. Acceptable documentation includes Oklahoma Department of Human Services (OKDHS) case records, employer(s) contact, wage stubs for the 24-month period, Income Eligibility Verification System (IEVS), Oklahoma Wage Link (OWL), Oklahoma Wage (OWG) and, if self-employed, gross and net earnings from tax returns or business records. The assistance unit must be involved in determining which parent is the PWE. ■ 1

(1) If both parents earned an identical amount of income in the 24-month period, the PWE is the parent who earned the greater amount of income in the last six months of the 24-month period.

(2) If the income in the six-month period is identical, either parent may be designated the PWE. The designation must be the one most advantageous to the assistance unit.

(3) The designation of the PWE is permanent and remains effective as long as the deprivation remains unemployment and the assistance unit remains eligible for and continues to receive TANF benefits. If the TANF case is closed and a new application is filed at a later date, the PWE must be redetermined.

(c) **Conditions the PWE must meet prior to certification.** The PWE must meet the conditions described in (1) - (3) of this subsection for deprivation to be established.

(1) **TANF Work requirements.** The PWE's activities and responsibilities must allow

the PWE to be available for TANF Work activities and the PWE must comply with these requirements. ■ 2 If the PWE is determined to be unavailable or if the PWE does not comply with TANF Work requirements, the application is denied.

(2) **Qualifications as unemployed.** For the PWE to be considered unemployed, the PWE must not be employed, or if the PWE is employed, the countable net earnings plus any other countable income must be less than the payment standard for the family size. ■ 3 The PWE must meet the definition of unemployed during the application process and prior to the date of certification.

(A) **Specific period of unemployment.** To qualify as not employed, the PWE must be unemployed for 30 days prior to the receipt of TANF benefits. The assistance unit is eligible for assistance beginning the 31st day if all other eligibility requirements are met.

(B) **Refusal of employment.** The PWE cannot have refused a bona fide offer of employment or terminated employment, without good cause, within the 30 days prior to the receipt of TANF benefits. Before it is determined that the PWE has refused a bona fide offer without good cause, a determination is made that such an offer was actually made. For the offers made through public employment agencies, the determination is made by that agency. The PWE is given the opportunity to explain why the offer was not accepted. A bona fide offer is an offer of employment made directly by an employer to the PWE. An offer of employment by the employer must be substantiated in a written or oral statement to OKDHS that on a specified time and date, the PWE was offered a job of a specified nature and at a specified wage. Acceptable reasons for good cause are:

- (i) wages were less than minimum wage requirement or less than customary for the community;
- (ii) employment was available because of a strike, lockout, or other labor dispute;
- (iii) the PWE was unqualified or physically unable to perform such work;
- (iv) the work involved risk to health or safety; or
- (v) lack of worker's compensation protection.

(3) **Work history requirement.** The PWE must have a verified work history. Undocumented employment cannot be used to establish quarters of work. The

work history exists when the PWE meets one of the conditions in (A) through (C) of this paragraph.

(A) The PWE was employed for six or more calendar-quarters within a 13 consecutive calendar-quarter period. The 13 consecutive calendar-quarter period must end within 12 months prior to the TANF application date. Calendar-quarter means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31. To be considered employed, the PWE must have received gross earnings of at least \$50 in a calendar-quarter or earned the minimum amount required for a covered quarter as defined by the Social Security Administration (SSA). ■ 4 The SSA states an individual qualifies for a quarter of coverage for any quarter that the individual earns a designated amount for that calendar year. ■ 5 An individual can have earnings in one quarter to qualify for a full year's coverage. ■ 6

(B) The PWE is receiving or has received Unemployment Insurance Benefits (UIB) within the 12 calendar months prior to the TANF application date. If the PWE has a pending UIB application, the work history determination is delayed until the UIB determination is made.

(C) The PWE would have qualified for UIB for one week or more during the 12 calendar month period prior to the TANF application date had the PWE made application for UIB based on earned wages, both covered and uncovered. Covered employment generally includes employment in construction, plants, stores, restaurants, offices, or other places of business which employ one or more persons. Uncovered employment generally includes employment from farm labor, odd jobs, and non-profit organizations.

(i) A PWE who had sufficient earnings to meet the UIB earnings requirement is deemed eligible for UIB even though all or a portion of the PWE's earnings were from uncovered employment. To be eligible or deemed eligible for UIB, the PWE must have earned at least the qualifying wages during the base period. ■ 7 The base period consists of the first four of the last five completed quarters immediately preceding the quarter of the UIB application.

(ii) The earnings must be in more than one quarter. The quarter with the highest earnings is the high quarter. The total gross earnings of the remaining three quarters must equal at least one-half of the high quarter earnings. If the earnings do not meet this test, the PWE is ineligible for UIB.

(iii) If the PWE earned an amount equal to the total taxable wage base in one quarter of the base period, the PWE is deemed eligible for UIB based on that

quarter alone. ■ 7

(d) **UIB eligibility.** The PWE is required to apply for and accept UIB which the PWE is eligible or potentially eligible to receive. Thirty days are allowed for verification of a UIB application to be furnished. Ineligible aliens are not required to apply for UIB.

(e) **Ineligible alien status.** If the PWE is an ineligible alien, the PWE's needs are not included in the assistance unit. ■ 8 The PWE is not required to participate in TANF Work activities but the PWE's spouse or other parent included in the assistance unit is required to participate in TANF Work activities unless otherwise exempt. If both parents are ineligible aliens, the family does not qualify as a two-parent family as the work requirement cannot be met.

(f) **Striker status.** The assistance unit is not eligible for TANF for any month in which the natural or adoptive parent is participating in a strike on the last day of the month. ■ 9

(g) **Changes after certification.** After initial eligibility the two-parent family must meet the conditions listed in (1) and (2) of this subsection.

(1) Both parents must participate in TANF Work related activities. Failure of either parent to participate without good cause for the required number of hours will result in closure of the case. ■ 10 If the PWE becomes unavailable for TANF Work due to illness or injury, good cause may be granted if the condition is expected to last less than 30 calendar days. ■ 11 If the condition is expected to last more than 30 calendar days, incapacity must be established. ■ 12

(2) If the household's countable earned income plus any other income exceeds the payment standard for the family size, the case is closed. Continued medical benefits are authorized for the assistance unit if all other factors of eligibility are met.

INSTRUCTIONS TO STAFF 340:10-10-3

Revised 6-1-10

1. Documentation must be recorded in the case record as to which parent was determined to be the PWE and the circumstances used in that determination.
2. See OAC 340:10-2-1(2)(A)(iii).
3. See Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, TANF,

Emergency Assistance, and OAC 340:10-3-31 through 340:10-3-33 for information concerning earned income.

4. The PWE's Federal Income Tax Schedule C can be used to determine earnings when determining work history.
5. See OKDHS Appendix C-1, Schedule XII B, TANF, Deprivation Based on Unemployed Parent.
6. An example is the required minimum earnings per quarter for 2006 is \$970 per quarter. The PWE qualifies for four quarters if \$3,880 was earned in the first quarter of 2006 since \$3,880 divided by \$970 equals four.
7. See OKDHS Appendix C-1, Schedule XII A, TANF, Deprivation Based on Unemployed Parent.
8. See OAC 340:10-3-57(f)(2) for information concerning income of an alien parent.
9. See OAC 340:10-3-57(k) for additional information concerning strikers.
10. See OAC 340:10-2-2 for information concerning penalties for individuals who refuse or fail to participate in assigned work activities.
11. See OAC 340:10-2-2(d) for policy regarding good cause.
12. See OAC 340:10-10-2 for procedures to establish incapacity.

340:10-20-1. Diversion Assistance (DA)

Revised 6-1-10

(a) **Scope.** Diversion Assistance (DA) for families with a minor child(ren) provides for financial assistance in lieu of Temporary Assistance for Needy Families (TANF) when there is an immediate need to retain or obtain employment. ■ 1

(1) DA is not used to pay fines, including traffic fines, or any cost related to a criminal offense, such as legal fees or court costs.

(2) DA is not to be used for reimbursement of expenses already paid by client or others.

(3) DA is limited to once in the lifetime of the applicant(s); therefore, it is vital that financial planning be initiated to determine if the provision of DA will allow the family to be self-sufficient for the next 12 months. ■ 2

(4) Families approved for this benefit are not included in the count of persons reported for federal participation rates and these payments do not count against the person's 60-month lifetime limit of receipt of TANF. For this reason, an adult must be included in the DA benefit. ■ 3

(b) **Need.** The criteria for the eligibility for DA are described in (1) through (4).

(1) The person is employed or has a bona fide offer of employment. ■ 4

(2) There is a financial need which, if not met, can cause the loss of employment or the offer of employment for the person. ■ 5

(3) The family monthly gross income cannot exceed the gross income maximum as shown on the Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payments Standards, Schedule XVI, for the appropriate family size. ■ 6

(4) Family resources cannot exceed limits as shown on OKDHS Appendix C-1, Schedule XVI. ■ 7

(c) **Requirements.** ■ 8 The applicant completes Form 08MP001E, Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits, to apply for DA. When the applicant signs Form 08MP003E, he or she agrees to not apply for TANF for one year from the date of

application for DA. ■ 9 In two-parent families both parents must sign the application form. ■ 10 A stepparent may be included in the benefit if the couple is legally married.

(1) Refer to OAC 340:65-3-4 for Social Security number (SSN) requirement. The application is not delayed waiting for a SSN.

(2) Refer to OAC 340:10-15 and OAC 340:65-3-1(g) for requirements for citizenship and alienage.

(3) The application is processed within seven working days.

(d) **Benefits.** ■ 11 Benefits can equal up to three months of the payment standard as shown on OKDHS Appendix C-1, Schedule XVI for the appropriate family size. ■ 12 Benefits can be approved in more than one authorization as long as the request for additional funds is made before the end of the 90 calendar day period which begins with the initial date of application, and does not exceed three times the monthly payment standard for the family size. ■ 13 Payment is issued through an authorization to purchase. ■ 14

INSTRUCTIONS TO STAFF 340:10-20-1

Revised 6-1-08

1. (a) Refer to OAC 340:10-9 for relationship requirements.

(b) Any family that includes a head of household or spouse of a head of household who has already reached the 60-month time limit is not eligible for Diversion Assistance (DA).

2. The lifetime limit applies to the adult(s) and child(ren) included in the DA payment. As long as the child(ren) remains a minor, this restriction applies.

3. See OAC 340:10-3-56(a)(3) for persons whose needs cannot be included.

4. The worker is required to verify there is current employment or there is a valid offer of employment. This is documented in the case record.

5. The worker is required to verify the financial need and the cost. A budget sheet can be used to determine income and expenses.

6. Family gross income includes stepparent income, income of a person acting in the role of a spouse, and income of parents of a minor parent. See OAC

340:10-3-26 and 340:10-3-40 for consideration of income.

- 7. See OAC 340:10-3-5 for consideration of resources.**
- 8. (a) At the time of application, the worker advises DA applicants of other social services available to them and their family members such as substance abuse, domestic violence, Prevention and Relationship Program (PREP), or marriage counseling services. If appropriate, a referral is made to the Children and Family Services Division.**

(b) There is no work or deprivation of parental support requirement for either single or two-parent families. Referrals can be made to an existing community resource for persons who have not obtained a high school diploma or General Educational Development (GED) certificate and have demonstrated a lack of literacy skills. Refer to OAC 340:10-2-6(4)(C). During the certification period, current literacy contracts can provide payment of services for the DA recipient who follows through with a referral.
- 9. The county director can approve Temporary Assistance for Needy Families (TANF) if there is an unforeseen circumstance that requires the family to apply. This approval is only used after the three-month time period covered by DA benefit. The approval by the county director must be documented in Family Assistance/Client Services (FACS) Case Notes. Receipt of TANF during this three-month period is a duplication of benefits.**
- 10. Both parents do not have to be employed; however, one must be at risk of losing his or her employment or the offer of employment.**
- 11. The guidelines for DA are listed in (1) through (2) of this Instruction.**
 - (1) Transportation. This service can be utilized when a transportation related expense has been determined. To be eligible for an automobile repair or expenses related to tag, title, tax, and/or insurance, the automobile must be owned or co-owned by the payee or his or her spouse. If the payee or spouse is under 21 and has a valid driver's license, the payee's parent; or the spouse's parent could own the automobile.**
 - (2) Shelter expense. This service can be utilized when an expense related to shelter has been determined.**

12. The worker must:

- (1) determine on a case-by-case basis whether 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 person at the least possible cost and determine whether 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) advise the person to wait to sign the Authorization to Purchase form until after the service has been provided.
13. When the certification is processed, the worker must enter on the Fin. Assistance tab on FACS, the warrant amount field with three times the TANF payment standard for the number of persons in the assistance unit.
14. (a) The payment screen is accessed through the online Finance system or the Finance Applications Web site on the InfoNet.
 - (1) Enter the provider's federal identification number, address, and telephone number.
 - (2) Enter on the same screen case number, cash amount of the service, the object code 42 for transportation or 43 for shelter expense, and a description of the service requested by the person. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.
 - (3) After all the information is entered, the worker prints the completed form and gives it to the person.
- (b) The county director or designee is responsible for periodically monitoring expenditures from the DA account.
- (c) Relatives of the client are not eligible for payment. See OAC 340:10-9-1 for degree of relationship.