
POLICY TRANSMITTAL NO. 09-13	DATE: MARCH 31, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:50-5-64 and 50-10-5.

EXPLANATION: OAC 340:50-5-64 Instructions to staff are revised to exempt all Oklahoma counties from the work requirements due to passage of the American Recovery and Reinvestment Act of 2009.

OAC 340:50-10-5 Instructions to staff are revised to clarify procedures when a client requests a replacement electronic benefit transfer (EBT) card but does not pick the card up the same day it is printed.

Original signed on 3-30-09

Mary Stalnaker, Director
Family Support Services Division

Sandra Harrison, Coordinator
Office of Legislative Relations and Policy

WF # 09-D (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.

REMOVE

340:50-5-64

340:50-10-5

INSERT

340:50-5-64, pages 1-5, revised 4-1-09

340:50-10-5, pages 1-2, revised 4-1-09

340:50-5-64. Work requirements

Revised 6-1-06

(a) **Able-bodied adults without dependents (ABAWDs).** ABAWDs who are members of eligible households receiving food benefits must be exempt from or comply with work requirements to be eligible to participate as a member of any food stamp household for longer than three months, consecutive or otherwise, during any 36-month period. It is the worker's responsibility to explain to the applicant the household member's work requirements and responsibility. At each application the worker must establish that each household member:

(1) is working continuously 20 hours or more per week averaged monthly; ■ 1

(2) participates in and complies with:

(A) Workforce Investment Act (WIA) Program assignment;

(B) Trade Adjustment Assistance Program assignment; or

(C) Employment and Training, not including Job Search; or

(3) is exempt from the work requirements listed in (b) of this Section.

(b) **Exemptions from the work requirements.** An individual is exempt from the work requirement provision of the Food Stamp Program if the individual is:

(1) younger than 18 or 50 years of age and older;

(2) medically certified as physically or mentally unfit for employment.

(A) Persons who are physically or mentally incapable of gainful employment either on a permanent or temporary basis or participating in federal or state programs based on disability are considered exempt. ■ 2

(B) Persons claiming exemption as unfit for employment must, in the absence of physical evidence, obtain documented evidence from medically qualified sources to substantiate the medical exemption. ■ 3

(C) Persons claiming temporary exemption are required to comply when they are released by their medically qualified source to return to work;

(3) a parent or other member of a household with responsibility for care of a dependent child younger than 18 years or an incapacitated person of any age; ■ 4

(4) pregnant;

(5) receiving or has applied for unemployment insurance benefits; ■ 5

(6) a regular participant receiving treatment for drug or alcohol addiction in a rehabilitative program on a resident or non-resident basis; ■ 6

(7) an eligible student enrolled at least half-time in any recognized school, training program, or institution of higher education; ■ 7

(8) a household member registered for or participating in the Temporary Assistance for Needy Families (TANF) Work;

(9) employed a minimum of 30 hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended, multiplied by 30 hours; or ■ 8

(10) a resident living in a county approved for exemption of the work requirements by the United States Department of Agriculture (USDA). ■ 9

(c) **Participation without time limits.** Food benefit participation without time limits applies to an individual who:

(1) is exempt;

(2) works continuously 20 hours or more per week, averaged monthly; or ■ 10

(3) participates in and complies with:

(A) WIA Program assignment;

(B) Trade Adjustment Assistance Program assignment; or

(C) Employment and Training, not including Job Search.

(d) **Participation with time limits.** Individuals who are not exempt or fail to comply with work participation requirements are eligible for only three months, consecutive or otherwise, during any 36-month period. Once the three-month eligibility limit has been

reached, eligibility can be regained for at least an additional three consecutive months if the individual: ■ 11

(1) works 80 hours or more in any 30-day period; or ■ 12

(2) participates for 80 hours or more in and complies with:

(A) WIA Program assignment;

(B) Trade Adjustment Assistance Program assignment; or

(C) Employment and Training, not including Job Search.

(e) **Individuals who regain eligibility.** An individual can regain eligibility only one time for an additional three consecutive months during the 36-month period by meeting the requirements of (1) or (2) of subsection (d). An individual who regains eligibility maintains eligibility by complying with the requirements of subsection (c). If eligibility is subsequently lost, the individual may receive food benefits only if one of the exemptions listed in subsection (b) is met or the 36-month period has expired. ■ 13

INSTRUCTIONS TO STAFF 340:50-5-64

Revised 4-1-09

- 1. Working an average of 20 hours per week or 80 hours per month for some form of compensation is considered meeting the work requirement.**
- 2. Examples of federal and state programs based on disability are:**
 - (1) vocational rehabilitation;**
 - (2) Veterans Benefits Administration disability compensation;**
 - (3) Social Security disability benefits; and**
 - (4) Supplemental Security Income (SSI).**
- 3. A doctor's statement giving a diagnosis is best, but if the client is unable to obtain a doctor's statement, a statement from another qualified source is sufficient.**

- (1) Other medically qualified sources include, but are not limited to: therapists, counselors, and medical social workers.
- (2) The statement does not need to state the person cannot work, but does need to give information indicating a physical or mental problem that may limit the person's ability to work.
4. More than one household member may be exempt as caretaker for the same person, as long as they share caretaker responsibility.
5. This exemption includes persons who are involved in the unemployment insurance benefits (UIB) appeals process.
6. Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings qualify if they are a part of the treatment plan.
7. See OAC 340:50-5-45 to determine student eligibility
8. A person working 30 or more hours per week automatically qualifies as exempt regardless of the amount earned or how the person is paid, such as work performed in exchange for rent or other goods and services.
- (1) The amount a person earns is relevant in determining exempt status only when the employed or self-employed person works less than 30 hours per week.
- (2) A person who works less than 30 hours per week must earn weekly wages at least equal to the federal minimum wage times 30 hours in order to qualify as exempt.
- (3) Volunteer work or court-ordered community service is not considered.
9. Effective April 1, 2009, the United States Department of Agriculture (USDA), has exempted all counties in Oklahoma from the work requirement.
10. Working an average of 20 hours per week or 80 hours per month for compensation is considered meeting the work requirement. The person may receive in-kind income or cash earnings for the work, but there must be actual work performed. Volunteer work or court-ordered community service is not considered.

- 11. The 36-month period begins with the first month benefits are received and the person is not meeting the work requirement or not considered exempt.**
- 12. Eligibility may be regained only after the person has received the initial three months of benefits without being exempt or meeting the work requirement.**
- 13. The additional three months must be consecutive. If the person receives less than three months, the person is not entitled to receive the additional month(s) at a later date.**

340:50-10-5. Replacement of lost, stolen, or destroyed Electronic Benefit Transfer (EBT) cards

Issued 7-1-01

The county office replaces a lost, stolen, or destroyed EBT card within two business days following notice by the household. ■ 1

INSTRUCTIONS TO STAFF 340:50-10-5

Revised 4-1-09

1. (a) When the electronic benefit transfer (EBT) card is lost, stolen, or destroyed, the recipient must go to the local human services center (HSC) to obtain a replacement card.

- (1) When the EBT card is stolen, it is recommended that the client calls 1-888-328-6551 to cancel the EBT card before going to the local HSC to request a replacement card. When the client goes to the HSC office first, the EBT specialist cancels the EBT card through the Administrative Terminal before issuing a new EBT card. Refer to OAC 340:65-3-6.1.

- (2) Each time a recipient requests a replacement card, he or she can be required to go through training and wait 24 hours, not to exceed two business days, before the EBT specialist issues a replacement card.

- (3) Replacement cards may take up to one hour before being activated.

- (4) When the client requests a replacement card but leaves prior to receiving the printed card and does not return before the end of the business day, the EBT specialist destroys and logs the card that same day on Form 10EB002E, Daily Card Issuance Report. A new card is issued when the client returns to the HSC.

- (5) Form 10EB001E, Daily Card Count, and Form 10EB002E are kept for audit and review purposes for a period of three years.

- (b) When the payee changes on a case, the worker must determine whether to give the new payee access to the current account balance before the change is made.

(1) If the new payee needs access to the balance in the food benefit account, he or she must first be coded as the authorized representative using the EBTU transaction.

(2) When the remaining benefits are depleted, the new payee is removed as the authorized representative and another card is issued in the new payee's name.

(c) Benefits used from the account of a stolen or lost card cannot be replaced unless the Office of Inspector General (OIG) notifies the Family Support Services Division (FSSD) Supplemental Nutrition Assistance Program (SNAP) Section that a criminal investigation has determined that theft of the benefits occurred through no fault of the recipient. FSSD SNAP Section staff notify HSC staff when recipient food benefits are replaced for this specific reason.