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POLICY TRANSMITTAL NO. 08-53	DATE: NOVEMBER 5, 2008
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2-1; 10-2-5 through 10-2-7; 10-3-5; 10-3-39, and 10-15-1.

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: (1) change reporting of excused absences to hours instead of days; and (2) remove restriction of baccalaureate or advance degree in relation to vocation training.

OAC 340:10-2-5 is revised to: (1) change the maximum amount of time spent in job search from weeks to hours; (2) remove reference to job readiness activities from this Section; and (3) replace outdated language with current terminology.

OAC 340:10-2-6 is revised to add the maximum amount of time a participant can spend in job readiness activities to this Section.

OAC 340:10-2-6.1 is revised to remove reference to job search and job readiness as they are referenced in separate sections.

OAC 340:10-2-7 is revised to allow up to 12 months of participation in a vocational certificate, associate's degree, bachelor's degree, or advanced degree program as vocational training when it qualifies a person to obtain immediate employment in a specified field.

OAC 340:10-3-5 is revised to add SEED accounts and certain funds in education accounts as exempt resources.

OAC 340:10-3-39 Instructions to Staff are amended to reflect changes in excluded pension funds.

OAC 340:10-15-1 is revised to: (1) add language to allow certain Iraqi and Afghan persons admitted as special immigrants to receive time-limited TANF benefits; and (2) update outdated language with current terminology.

Original signed on 11-5-08

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Mary Stalaker, Director  
Family Support Services Division

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Office of Legislative Relations and Policy

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WF # 08-09 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

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

### **REMOVE**

340:10-2-1  
340:10-2-5  
340:10-2-6  
340:10-2-6.1  
340:10-2-7  
340:10-3-5  
340:10-3-39  
340:10-15-1

### **INSERT**

340:10-2-1, pages 1-8, revised 11-1-08  
340:10-2-5, pages 1-2, revised 11-1-08  
340:10-2-6, pages 1-2, revised 11-1-08  
340:10-2-6.1, pages 1-3, revised 11-1-08  
340:10-2-7, pages 1-8, revised 11-1-08  
340:10-3-5, pages 1-9, revised 11-1-08  
340:10-3-39, pages 1-6, revised 11-1-08  
340:10-15-1, pages 1-4, revised 11-1-08



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

Revised 11-1-08

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 required in the home to provide care for the incapacitated work-eligible parent. ■ 4

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

(iv) To determine the average weekly countable work hours for a work-eligible 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 single custodial parent who has:

(A) not attained 20 years of age and has not completed high school is determined to be in a work activity for the month if the recipient maintains satisfactory attendance at a secondary school or equivalent during the month; or ■ 13

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

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

Revised 11-1-08

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. 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.

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

Revised 11-1-08

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

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

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

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

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

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

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

(C) The maximum amount of time spent in job search activities cannot exceed 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period for any person. ■ 6

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

Revised 11-1-08

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

**340:10-2-6. Job readiness**Revised 11-1-08

Job readiness activities help prepare participants for work by ensuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. The maximum amount of time spent in job readiness activities cannot exceed 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12 month period for any person. ■ 1

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

(A) self-esteem building;

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

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

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

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

**INSTRUCTIONS TO STAFF 340:10-2-6**Revised 11-1-08

**1. No more than four consecutive weeks can count as federal participation.**

**2. Specific plans include any combination of treatment and work activities that assist the participant to achieve self-support. The plan is developed with the participant and local partners' input. Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, reflects the resource or treatment facility involved, specific hours of each activity, the start and end dates, and the**

**initials of the participant as changes are made on the plan. It may be necessary to meet frequently with the participant and local partners to monitor the participant's progress and determine the need for any changes in the plan.**

### **340:10-2-6.1. Educational services**

Revised 11-1-08

Educational services to enhance the participant's potential for employment must be made available. Assignment is based on the criteria listed in (1) through (6) of this paragraph.

(1) Custodial parent participants under 20 years of age without a high school diploma are required to participate in educational activities directed toward the attainment of a high school diploma or its equivalent. ■ 1 These persons may be excused from high school attendance or courses designed to lead to a General Educational Development (GED) certificate if the employability plan includes an alternative, such as basic education or English as a second language (ESL). ■ 2

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

(3) Assignment to remedial education services is appropriate for participants who read and write below high school level, even if they have a high school diploma or GED certificate. Basic and remedial education includes:

- (A) Adult Basic Education (ABE) classes;
- (B) GED classes;
- (C) Certificate of High School Equivalency;
- (D) literacy classes;
- (E) tutoring; or
- (F) remedial reading classes.

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

(5) Participants already in attendance at an institution of higher education are considered appropriately assigned if the participant cooperates in the assessment process and development of an appropriate employability plan. The participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1. ■ 3

**INSTRUCTIONS TO STAFF 340:10-2-6.1**

**Revised 11-1-08**

1. **(a) These participants are required to work on a high school diploma or General Educational Development (GED) certificate and cannot be required to participate in any other Temporary Assistance for Needy Families (TANF) Work activity. Persons in high school may count homework time up to one hour for each class hour when he or she provides a statement from the instructor stating that the additional homework 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.**

**(b) Participants may volunteer to participate in a TANF Work activity that is scheduled, structured, and supervised when school or GED classes are not in session. Participants who volunteer cannot be sanctioned for failure to participate.**

**(c) As with any approved TANF Work activity, participation must be:**

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

**(2) documented in Case Notes.**

2. **For a teen parent who is a child in the TANF assistance unit, refer to OAC 340:10-13-1 for school attendance requirements.**

3. **(a) Persons participating in 12 months of a vocational certificate, associate's degree, bachelor's degree, or advanced degree program may count homework time up to one hour for each class hour when the participant provides a statement from the instructor, professor, or advisor stating that the additional homework time is:**

**(1) a class requirement;**

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

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

**(b) 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.**



### 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 11-1-08

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 can include, but is not limited to:
  - (1) Oklahoma Department of Career and Technology Education (ODCTE);
  - (2) Oklahoma State Regents for Higher Education (OSRHE);
  - (3) Workforce Investment Act (WIA); or
  - (4) Oklahoma Employment Security Commission (OESC).
7. The worker forwards the written description to the county director requesting approval of the training slot.
8. Special requirements are items such as uniforms or special equipment.
9. Form 08TW013E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 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) Persons participating in 12 months of a vocational certificate, associate's degree, bachelor's degree, or advanced degree program may count homework time up to one hour for each class hour when the participant provides a statement from the instructor, professor, or advisor stating that the additional homework 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.

**(b) 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.**

**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. 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.**

**340:10-3-5. Personal property**Revised 11-1-08

(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 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 \$7500. When the principal amount exceeds \$7500, the person is ineligible for assistance. Accrued interest is not counted as a part of the \$7500 limit, regardless of when it is accrued.

(iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or 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. The current market value less encumbrances is the equity. Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached. If the bond has been held beyond maturity date, it has continued to draw interest. The amount which can be realized from notes, mortgages, and similar instruments, if offered for immediate sale, constitutes a resource.

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

(8) **Automobiles, pickups, and trucks.** The market value of each year's make and model is established on the basis of the average trade-in value. ■ 2 In the event the 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 automobiles.** One automobile, pickup, truck, or other vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of \$5,000 is exempted. The amount of the equity in excess of \$5,000 is considered against the resource limit.

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

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

(10) **Individual Development Accounts (IDAs).** IDAs are dedicated savings accounts that are used for a qualified purpose such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity. IDAs are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility. The account deposits must be made from earned income, 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 Stamp Act of 1977;

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

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

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form 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 Statues. ■ 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        | <a href="http://www.carprices.com">www.carprices.com</a> ;         |
| (2) AutoWorld        | <a href="http://www.autoworld.com">www.autoworld.com</a> ;         |
| (3) Intellichoice    | <a href="http://www.intellichoice.com">www.intellichoice.com</a> ; |
| (4) Edmund's         | <a href="http://www.edmunds.com">www.edmunds.com</a> ;             |
| (5) Kelley Blue Book | <a href="http://www.kbb.com">www.kbb.com</a> .; and                |
| (6) NADA             | <a href="http://www.nada.com">www.nada.com</a> .                   |

(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.



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

Revised 5-12-05

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

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

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

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

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

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

■ 2

(g) **Retirement, disability, and unemployment benefits.** Income received monthly from annuities, pensions, retirement, veterans' or disability benefits, workers' or unemployment compensation, survivors' or Social Security benefits are considered unearned income. ■ 3 Information as to present receipt and amount of current benefits is obtained from the individual's award letter or benefit verification statement, by viewing the warrant, or by use of the data exchange files. ■ 4 Retirement benefits received as a lump sum payment at termination of employment are considered a resource. Supplemental Security Income (SSI) does not fall under these types of benefits. ■ 5

(h) **Military benefits.** Life insurance, pensions, compensation, servicemen dependents' allowances, and similar benefits, are sources of income which the

individual and dependents may be eligible to receive. In each case, information is obtained concerning the military service of the individual's son, daughter, spouse, or parent. Clearance is made with the proper veterans' agencies, both state and federal, to determine whether the benefits are available.

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

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

(2) for goods and services that are not included in the Temporary Assistance for Needy Families (TANF) need standard; or ■ 6

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

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

(k) **Casual and inconsequential gifts.** Monetary gifts which do not realistically represent income to meet living expenses, for example, Christmas, graduation, and birthday gifts, not to exceed \$30 per calendar quarter for each individual, are disregarded as income.

(1) The amount of the gifts is disregarded as received during the quarter until the aggregate amount has reached \$30. At that time the portion exceeding \$30 is counted as lump sum income.

(2) If the amount of a single gift exceeds \$30, it is not inconsequential and the total amount is counted as income.

(3) If the recipient claims that the gift is intended for more than one person in the assistance unit, it can be divided among these persons. Gifts between members of the assistance unit are not counted. ■ 7

(l) **Grants.** Grants which are not based on financial need are considered income to the extent the grant is available for current maintenance. ■ 8

(1) Any portion of the grant that is expended, designated, or intended for items not included in current maintenance is excluded.

(2) Any remaining portion of a grant excluded as not for current maintenance must have detailed case documentation to justify the exclusion.

(3) The countable amount of a grant received for a period covering more than one month is prorated over the period it is intended to cover.

(m) **Funds held in trust by Bureau of Indian Affairs (BIA).** BIA frequently puts an individual's trust funds in an Individual Indian Money (IIM) account. To determine the availability of funds held in trust in an IIM account, the worker must contact BIA in writing and ascertain if the funds, in total or any portion, are available to the individual. ■ 9 If any portion of the funds is disbursed to the individual client, guardian, or conservator, such funds are considered as available income. If BIA determines the funds are not available, they are not considered in determining eligibility. Funds held in trust by BIA and not disbursed are considered unavailable. ■ 10

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

(2) When BIA has stated the account is unavailable and the account does not have a monthly disbursement plan, but a review reveals a recent history of disbursements to the individual, guardian, or conservator, these disbursements must be resolved with BIA. These disbursements indicate all or a portion of the account may be available to the individual, guardian, or conservator. When the worker is unable to resolve the situation with BIA, the worker submits a referral to the Family Support Services Division (FSSD). ■ 11 When a referral is sent to FSSD, the funds are considered as unavailable with a legal impediment until the worker is notified otherwise.

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

as income to the individual. Services rendered and payment made by BIA is documented.

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

### **INSTRUCTIONS TO STAFF 340:10-3-39**

Revised 11-1-08

1. See OAC 340:10-3-4(b).
2. See OAC 340:10-3-39(k).
3. The cash value of pension plans or funds described in Section 4104 of the Food, Conservation, and Energy Act of 2008 (P.L. 110-234) is excluded. The list of excluded retirement saving and pension plans are:
  - (1) 457 of the Internal Revenue Code plans, which are plans for state and local governments and other tax-exempt organizations;
  - (2) Section 401(a) of the Internal Revenue Code plans including:
    - (A) 401(k) plans, which are generally a cash or deferred arrangement and generally limited to profit-making firms;
    - (B) SIMPLE 401(k) plans which are available only to small businesses;
    - (C) Profit Sharing Plans;
    - (D) Cash Balance Plans;
    - (E) pension or traditional defined-benefit plans; and
    - (F) Keogh plans;
  - (3) Federal Employee Thrift Savings plan;
  - (4) Section 403(b) of the Internal Revenue Code plans, which are tax-sheltered annuities provided for employees of tax exempt organizations

and state and local educational organizations;

(5) Section 501(c)(18) of the Internal Revenue Code plans, which are retirement plans for union members consisting of employee contributions to certain trusts that must have been established before June 1959;

(6) Section 408 and 408(A) of the Internal Revenue Code plans including:

(A) Individual Retirement Accounts (IRAs);

(B) SIMPLE IRAs;

(C) Roth IRAs; and

(D) Simplified Employer Plans (SEPs).

4. See OAC 340:65-3-4.

5. See OAC 340:10-3-57(c) for information concerning concurrent receipt of Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI).

6. (a) See OAC 340:10-1-3(10).

(b) For instance, a private agency may provide money for special training for a child or a Housing and Urban Development payment may be provided to cover moving expenses that are not included in the Oklahoma Department of Human Services (OKDHS) assistance standard.

7. See OAC 340:10-3-56.

8. See OAC 340:10-1-3(10).

9. At each reapplication or redetermination, the Bureau of Indian Affairs (BIA) is contacted to obtain information regarding any changes as to the availability of the funds and any information regarding modifications to the Individual Indian Money (IIM) account. Information regarding prior disbursements is also obtained at this time.

10. See OAC 340:10-3-40(26).

**11. The referral must include specific details of the situation, including the county's efforts to resolve the situation with BIA. If Family Support Services Division (FSSD) cannot make a determination, a legal decision regarding availability is obtained by FSSD and forwarded to the human services center.**

**340:10-15-1. Citizenship and alien status**

Revised 11-1-08

(a) A person eligible to be included in a Temporary Assistance for Needy Families (TANF) benefit, must be either:

(1) a citizen or a national of the United States (U.S.), including the 50 states, District of Columbia, commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa and Northern Mariana Islands. A person may be a citizen of the U.S. by being born in the U.S. or by being born in some other country but moving to the U.S. and being granted U.S. citizenship through the U.S. Citizenship and Immigration Services (USCIS) a bureau of the U.S. Department of Homeland Security; or

(2) a qualified alien described as:

(A) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) an alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;

(C) an alien who is granted conditional entry pursuant to Section 203(a)(7) of INA as in effect prior to April 1, 1980;

(D) an alien who is granted asylum under Section 208 of INA;

(E) a refugee who is admitted to the U.S. under Section 207 of INA;

(F) an alien whose deportation is withheld under Section 241(b)(3) of INA;

(G) an alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(H) battered aliens and their children or parents as defined in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act as amended; [8 U.S.C. 1641(c)]

(I) an alien and his or her eligible relatives who are victims of a severe form of trafficking pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000 which was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003; ■ 1

(J) an Iraqi admitted under special immigrant status pursuant to Section 525 of Division G of Public Law (P.L.) 110-161 of the Consolidated Appropriations Act of 2008, Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)], and Section 1244 of P.L. 110-181 of the National Defense Authorization Act for Fiscal Year 2008. An Iraqi must be treated as a refugee for a time-limited period and may be eligible for benefits for up to eight months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Iraqi is ineligible for a TANF benefit for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status; ■ 2 or

(K) an Afghan admitted under special immigrant status pursuant to Section 525 of Division G of P.L. 110-161 of the Consolidated Appropriations Act of 2008 and Section 101(a)(27) of the INA [8 U.S.C. 1101(a)(27)]. The person must be treated as a refugee for a time-limited period and may be eligible for benefits for up to six months from the date he or she is granted special immigrant status if the person meets all other program requirements. After the time-limited eligibility period ends, the Afghan is ineligible for a TANF benefit for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status. ■ 2

(b) A qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for TANF benefits for a five year period beginning on the date of the alien's entry into the U.S. with a qualified alien status unless the alien is:

- (1) admitted to the U.S. as a refugee;
- (2) granted asylum;
- (3) one whose deportation is being withheld;
- (4) a Cuban or Haitian entrant;
- (5) admitted to the U.S. as an Amerasian immigrant;
- (6) lawfully residing in the state and is a veteran of the U.S. armed forces, on active duty, or is that person's spouse or unmarried dependent child; or
- (7) is a victim of a severe form of trafficking. ■ 3

(c) A declaration of citizenship and alien status is required for all adults and children in the TANF benefit. This requirement is met when an adult member in the assistance

unit completes and signs the application or review form attesting to the citizenship and alien status for all members of the assistance unit. Refer to OAC 340:65-3-1(g) for additional citizenship requirements for persons 14 years of age and older pursuant to Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

(d) Declaration on behalf of a newborn child may be delayed provided the delay does not exceed the date of the assistance unit's next eligibility redetermination.

(e) Persons determined as having satisfactory alien status must have the status verified through Systematic Alien Verification for Entitlements (SAVE). In situations which require a written inquiry to the USCIS, the worker must not delay, deny, terminate, or reduce benefits to an alien pending USCIS verification of submitted documentation.

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(f) All persons born in the U.S. are, with rare exceptions, U.S. citizens. Documents of citizenship or national status of persons from certain U.S. territories or possessions listed in (a)(1) of this Section may not be in their possession nor available. Their status can usually be determined by birth certificate, passport, or other official document. ■ 5

## INSTRUCTIONS TO STAFF 340:10-15-1

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1. The Office of Refugee Resettlement (ORR) provides a certification letter to a person 18 years of age or older and an eligibility letter to a person who has not attained 18 years of age. These persons are also provided T Visas which indicates eligibility for federally funded or administered benefits to the same extent as a refugee. The T Visas are T-2, T-3, T-4, and T-5 referred to collectively as Derivative T Visas. To determine the validity of the letters issued by ORR and to inform ORR which benefits the person has applied for, the worker must call the toll-free trafficking verification number 1-866-401-5510.

2. (a) Iraqi families may be eligible for benefits for up to eight months from the date they are granted special immigrant status if they meet all other program requirements. Examples of how to determine the number of months Iraqi families are eligible for benefits includes an Iraqi family who is granted special immigrant status in:

(1) April and does not apply for benefits until July. Family members may be eligible for benefits for five months; or

**(2) June and applies for benefits in July. Family members may be eligible for benefits for seven months.**

**(b) Afghan families may be eligible for benefits for up to six months from the date they are granted special immigrant status if they meet all other program requirements. Examples of how to determine the number of months persons are eligible for benefits includes an Afghan family who is granted special immigrant status in:**

**(1) April and applies for benefits in July. Family members may be eligible for benefits for three months; or**

**(2) June and applies for benefits in July. Family members may be eligible for benefits for four months.**

**(c) To help track when benefits must be closed for the family, the worker must enter in the Family Assistance/Client Services (FACS) Case Notes:**

**(1) the date the family entered the country;**

**(2) when special immigration status was granted;**

**(3) how this status was verified; and**

**(4) the last month family members are eligible for benefits.**

- 3. Refer to OAC 340:10-15-1(a)(2)(I).**
- 4. Refer to OAC 340:65-3-4(5) and OAC 340:65-3-4, Instructions to Staff 15, for information regarding the Systematic Alien Verification for Entitlements (SAVE).**
- 5. Any questions regarding whether any other official document provides reliable evidence of citizenship or national status are referred to Family Support Services Division Temporary Assistance for Needy Families Section.**