TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:10-2, Table of Contents; 10-2-1; 10-2-4, 10-2-6 through 10-2-8; 10-3-28; 10-3-57; 10-3-59; 10-3-75; 10-10-7; 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 improve grammar.

OAC 340:10-2-4 is revised to: (1) remove outdated requirement for passing entrance exam for placing employee in permanent status in State Work Incentive Program; (2) replace outdated language with current terminology; and (3) show current form numbers and names.

OAC 340:10-2-6 is revised to move educational services to its own Section for clarity.

OAC 340:10-2-6.1 is a newly created Section regarding educational services. Information included was moved from 340:10-2-6.

OAC 340:10-2-7 is revised to change the time frame for Work Experience Program (WEP) assignments from three months to 90 days.

OAC 340:10-2-8 is revised to: (1) add language to prevent flex funds to be used as reimbursement for goods/services already paid by client or others; (3) add language making relatives of client not eligible for payment of flex funds; (4) replace outdated language with current terminology; and (5) add clarifying language.

OAC 340:10-3-28 is revised to: (1) update outdated language with current terminology; (2) show current form numbers; and (3) add clarifying information.

OAC 340:10-3-57 is revised to: (1) reflect how income of a fugitive felon is considered; and (2) replace outdated language with current terminology.
OAC 340:10-3-59 is revised to: (1) remove age reference regarding payments to minors; and (2) replace outdated language with current terminology.

OAC 340:10-3-75 is revised to: (1) reflect the requirement for compliance with SoonerCare citizenship and identity verification rules for continued medical; (2) add clarifying information; (3) replace outdated language with current terminology; and (4) show current form numbers.

OAC 340:10-10-7 is revised to: (1) update language regarding distribution of federal and/or state tax intercepts and distribution of payment to the client; and (2) replace outdated language with current terminology.

OAC 340:10-20-1 is revised to: (1) add language to prevent Diversion Assistance funds to be used as reimbursement for goods or services already paid by client or others; (2) add language making relatives of a client not eligible for payment of Diversion Assistance; (3) add a policy cite for current citizenship and alienage requirements; (4) show current form names and numbers; and (5) replace outdated language with current terminology.

Original signed on 3-31-08
Mary Stalnaker, Director
Family Support Services Division

Sharon Neuwald, Coordinator
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WF # 07-29 (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

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INSERT

340:10-2, Table of Contents, 1 page only, revised 6-1-08
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340:10-2-4, pages 1-10, revised 6-1-08
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340:10-10-7, pages 1-4, revised 6-1-08
340:10-20-1, pages 1-4, revised 6-1-08
SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

Section
340:10-2-1. Work requirements
340:10-2-2. Sanction process
340:10-2-3. Employability planning
340:10-2-4. Employment
340:10-2-5. Job Search Activities
340:10-2-6. Job readiness
340:10-2-6.1. Educational services
340:10-2-7. Training
340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services
340:10-2-9. Welfare to Work (WtW) [REVOKED]
340:10-2-1. Work requirements

Revised 6-1-08

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. **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. **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.

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

   (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 ten days of excused absences count as hours of participation for any unpaid scheduled work activity.

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

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

(I) unavailability of appropriate child care;

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

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

(IV) court-required appearance by the participant;

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

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

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

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

(IX) family crisis; or [8]
(X) required attendance of the participant for a specific appointment by another governmental entity.

(iii) To count an excused absence or holiday as hours of participation, the 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

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(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 other than a baccalaureate or advanced degree. 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;

(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 12

(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 6-1-08

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

7. Coordination between the participant, facility, and worker must be ongoing to accurately verify and document the number of hours coded as an excused absence.
8. Examples of a family crisis are attendance at a funeral or emergency home maintenance issues.

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

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

11. Countable vocational training may include up to 12 months of an Associate in Science degree.

12. Refer to OAC 340:10-2-6 Instructions to Staff 2 for participation requirements.
340:10-2-4. Employment

Revised 6-1-08

(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. 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. Employment of eligible participants can be considered for positions of unclassified status for a two
year period in a full-time or part-time capacity. These positions are not included within any limitation on full-time equivalent employee positions for any agency. Participants hired under this program are eligible for leave and other benefits that are available to other state employees, subject to other eligibility requirements, and may be reassigned or promoted while they are in the program. Participants hired are exempt from probationary hiring procedures. They can be considered for conversion to the permanent classified status after two years of continuous participation in the program. Requirements for placing employees in permanent status include:

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

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

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

(i) be included in a cash assistance unit;

(ii) be available for immediate employment;

(iii) have participated in Job Search; and

(iv) be assigned to a job at a salary exceeding their cash assistance.

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

(i) when there is a strike, lockout, or the contract would cause displacement of other employees;

(ii) that involve commission sales when the federal minimum wage is not guaranteed; or

(iii) that are casual, intermittent, or seasonal labor.

(C) **Recruitment of employers.** The employer can be asked to identify potential positions during the initial interview to facilitate contract negotiations and match TANF participants with employers. The program explanation emphasizes that employers are expected to retain the WSP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful WSP participant's employment without good cause are not granted subsequent contracts. Good cause reasons for dismissal are:

(I) lay-off due to economic reasons which result in a reduction in force;

(II) the employee is frequently absent from work or engages in disruptive or inappropriate behavior; or

(III) the employee is unable to perform at an acceptable skill level.
(ii) Before new or additional contracts are written with an employer, WSP employees or other employees in lay-off status must be recalled.

(iii) Human services center (HSC) staff has the responsibility for ensuring the employer is complying with the contract.

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

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

(ii) Upon receipt of the contract, the county director reviews it for completeness and, if approved, signs and dates the contract. ■ 7 The worker delivers the employer's copy of the contract with a supply of Form 08TW018E, Work Supplementation Program Invoice, and a copy of the instructions for the form. The worker contacts the participant and Form 08TW006E, Work Supplementation Program Participant Agreement, is completed in duplicate and signed by the worker and participant. ■ 8

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

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

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

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

(iii) **Food benefits.** WSP participants may be eligible for food benefits. Eligibility for food benefits is determined based on OAC 340:50-11-20. ■ 11
(iv) **Child care.** Child care plans must be explored with each WSP participant. When purchased child care services are required, the participant's earnings are considered income, and family share co-payments are computed in accordance with OKDHS Appendix 08AX005E (C-4), Child Care Eligibility/Co-payment Chart.

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

(i) **Payment of employers.** Employers are eligible for reimbursement of the first $250 of the gross wages paid to each WSP participant. Payment to the employer is made the month following the month the cash assistance is diverted to the wage pool. Employers file for reimbursement by submitting Form 08TW018E to the HSC at the first of the month.  

(ii) **Supplemental payments to WSP participants.** The Family Support Services Division (FSSD) issues supplemental payments for months in which income shown on Form 08TW018E is less than the amount of the WSP participant's cash assistance prior to entering the program.

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

(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.

(B) Income from OJT is considered as any other earned income. Transitional child care and medical benefits are explained to the participant at the time of entry into OJT.
(3) **STEP.** STEP is a subsidized employment program which provides comprehensive support services that lead to permanent employment placements for TANF participants. These services are contracted with specified vendors who provide temporary paid work experience to program participants in a supportive work environment. When the participant is accepted into the program, his or her TANF benefit remains active with no cash benefit issued. If eligible, the participant continues to receive other program benefits. ■ 17

(d) **Work Opportunity Tax Credit (WOTC).** ■ 18 The WOTC law permits for-profit employers to take a credit on their federal income tax when workers from certain groups are hired. The WOTC is equal to 40% of the first year wages up to $6,000. To claim the credit, the employee must be retained at least 180 days or work at least 400 hours.

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

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

   (B) qualified veterans; ■ 19

   (C) qualified ex-felons; ■ 20

   (D) high-risk youths; ■ 21

   (E) vocational rehabilitation referrals; ■ 22

   (F) qualified summer youth employees; ■ 23

   (G) qualified food stamp recipients; and ■ 24

   (H) qualified recipients of Supplemental Security Income (SSI). ■ 25

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

3. The Conditional Certificate, Form ETA-9062, and a letter from the worker stating the number of months the participant has received OKDHS benefits must be given to the participant to present to the employer on or before the first day of employment. An explanation is given to the participant about the purpose of the form and that the tax credit may help the participant get a job.
INSTRUCTIONS TO STAFF 340:10-2-4

Revised 6-1-08

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 worker reviews available positions and consults with the participant and other staff to determine the most appropriate placement.

4. The worker recruits employers to participate and explains the forms and procedures.

5. The county director is consulted regarding the appropriateness of writing contracts with employers who experience constant turnover in staff or who have experienced reductions in staff.

6. Upon completion of the negotiations, HSC staff prepares triplicate, typed copies of Form 08TW017E, Work Supplementation Program Contract, and Form 08TW006E, Work Supplementation Program Participant Agreement. The worker delivers the prepared contract to the employer for signature and immediately routes the original and two copies to the county director.

7. The original is filed in the case record and a copy is routed to the Family Support Services Division (FSSD), TANF Section.

8. The original is given to the participant.

9. A copy of the letter and the contract are filed in the participant’s case record.
10. (a) Upon receipt of completed Form 08TW006E and 08TW017E, the worker determines if the new Work Supplementation Program (WSP) employer is on the provider file.

(1) To view provider files, enter P space federal identification number on the IMS network.

(2) If the new WSP employer is not on the provider file, the worker enters PU. This transaction brings up a screen that the worker must complete by entering the type of request as N, the business name, address, telephone number, and the federal identification number of the new employer.

(b) Once it has been determined the WSP employer is on the provider file, the worker must complete a WS authorization.

(1) The worker enters AUW, space, the case number of the participant and completes this screen in accordance with the instructions for the AUW transaction.

(2) After the authorization has cleared, the computer automatically updates the case status to Special Medical effective the following regular roll.

(c) The cash assistance is automatically diverted to the wage pool.

(d) Periodic redeterminations of eligibility are completed as scheduled.

11. If eligible, the household receives food benefits as a Non-Public Assistance food benefit household.

12. Upon receipt, the worker audits the invoice for completeness and compensability. Form 08TW018E, Work Supplementation Program Invoice, is signed by the county director or designee and routed in accordance with the instructions for the form. The FSSD, TANF Section prepares the claim form for the Finance Division.

13. When a participant completes a WSP contract period or terminates employment prior to completion, the worker must ensure the final Form 08TW018E is submitted to FSSD, TANF Section. Care must be taken by the worker to close the authorization and make a determination of need for any continued receipt of cash assistance, health benefits, food benefits, and child
care benefits before the deadline for changes in the last month of the contract period.

14. When it is not possible to close the authorization prior to the deadline in the month in which employment ends, and the participant is eligible for continued assistance, the FSSD TANF Section must be instructed by memo from the HSC to pay the next month's cash assistance from the wage pool. Closure of the authorization and computer input document updates are separate actions which must be completed by the worker at termination of a placement.

15. The worker refers to on-the-job training (OJT) by completing Form 08TW003E, Interagency Referral and Information.

16. 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.

17. The worker 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 worker to notify FSSD, TANF Section.

18. Workers inform the employer of the availability of the Work Opportunity Tax Credit (WOTC) as it relates to the WSP. WOTC is available for the portion of the wages actually paid, not including the $250 reimbursement from the wage pool.

19. A qualified veteran is a person who has received food benefits for at least three consecutive months within the last 15 months.

20. (a) A qualified ex-felon is a person who within the last year was either convicted or released from prison and during the last six months was a member of a low income family. The table below outlines the criteria for income guidelines to qualify as low income. These amounts are based on the entire household income over the last six months multiplied by two.
Lower Living Standard Income Levels (effective June, 1999)

<table>
<thead>
<tr>
<th>Family size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro</td>
<td>$6,340</td>
<td>$10,390</td>
<td>$14,260</td>
<td>$17,600</td>
<td>$20,770</td>
<td>$24,290</td>
</tr>
<tr>
<td>Non-metro</td>
<td>$6,060</td>
<td>$9,930</td>
<td>$13,640</td>
<td>$16,830</td>
<td>$19,860</td>
<td>$23,230</td>
</tr>
</tbody>
</table>

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

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

21. A high risk youth is between the ages of 18 and 24 on the hiring date and living within an Empowerment Zone or Enterprise Community. For information about Enterprise Communities go to www.ezec.gov.

22. A Vocational Rehabilitation referral is a participant who has been referred by a rehabilitation agency approved by the State or Department of Veterans Affairs.

23. A qualified summer youth performs services for the employer between May 1 and September 15; is 16 or 17 years of age on the hiring date; has not been employed by the same employer prior to the 90 day summer period between May 1 and September 15; and lives within an Empowerment Zone or Enterprise Community. Due to this short period, the maximum credit is $1,200 per eligible worker. This amount is based on 40% of qualified wages up to $3,000.

24. A qualified food benefit recipient is between the ages of 18 and 24 on the hiring date and is a member of a household that received food benefits for at least three of the last five months but is no longer eligible to receive them.

25. A qualified recipient of Supplemental Security Income (SSI) is a person who has received SSI for any month during the 60 calendar days before the date of hire.
340:10-2-6. Job readiness

Revised 6-1-08

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.

(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.

INSTRUCTIONS TO STAFF 340:10-2-6

Revised 6-1-08

1. Specific plans include any combination of treatment and work activities that assist the participant to achieve self-support. The plan is developed with the participant and local partners' input. Form 08TW002E, TANF Work/Personal Responsibility Agreement, Section 7, reflects the resource or treatment facility involved, specific hours of each activity, the start and end dates, and the initials of the participant as changes are made on the plan. It may be necessary to meet frequently with the participant and local partners to monitor the participant's progress and determine the need for any changes in the plan.
340:10-2-6.1. Educational services

Issued 6-1-08

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. However, the participant is required to participate the minimum number of hours in an activity listed in OAC 340:10-2-1.
(6) The maximum amount of time spent in job search and job readiness activities cannot exceed 12 weeks within a federal fiscal year for any person.

INSTRUCTIONS TO STAFF 340:10-2-6.1

1. These participants are required to work on a high school diploma or General Educational Development (GED) certificate and cannot be required to participate in any other Temporary Assistance for Needy Families (TANF) Work activity. They may volunteer to participate in a TANF Work activity that is scheduled, structured, and supervised when school or GED classes are not in session. Participants who volunteer cannot be sanctioned for failure to participate. As with any approved TANF Work activity, participation must be coded on Family Assistance Client Services (FACS).

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. No more than four consecutive weeks can count as federal participation at one time.
340:10-2-7. Training

Revised 6-1-08

(a) Scope. Job skills training includes vocational training and hands-on work experience to develop technical skills, knowledge, and abilities in specific occupational areas. 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) The training is preparation for a job which meets the criteria for appropriate employment.

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

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

(c) Work Experience Program (WEP). The purpose of WEP is to provide skill training and work enhancement to Temporary Assistance for Needy Families (TANF) participants while providing a useful public service that will enable them to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement.

(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:

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

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

(iii) the hours of participation; and

(iv) any special requirements.  ■ 8

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

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

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

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

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

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

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

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

(ii) WEP-FP is approved for businesses or entities that operate for profit. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in subunit (I) through (II) of this subsection must be in effect prior to a WEP-FP placement.

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

(II) The employer has committed to hire the participant on or before the completion of the three month placement.
(5) **WEP procedures.** Upon approval by the county director, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program – Nonprofit Training Agreement, or Form 08TW115E, Work Experience Program – For-Profit Training Agreement.

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

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

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

(6) **Non-cooperation by WEP facility.** When the worker obtains information that the facility is violating the terms and conditions of Form 08TW015E, Form 08TW115E, or that participants are being treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action which may include:

(A) suspension of subsequent assignments at the facility;

(B) immediate removal of current participants; or

(C) termination of the agreement.

(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. 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:

(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.

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

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

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

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

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

Revised 6-1-08

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 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, Safety and Emergency Management Unit on Form 23RS046E, Employee's Report of Job-Related Accidental Injury or Illness.

5. Following the participant's interview with the facility and the facility's acceptance of the participant for training, the worker makes a notation on the copy of Form 08TW002E, TANF Work/Personal Responsibility Agreement, and initiates an authorization. Form 08TW014E, Work Experience Program - Nonprofit Participant Agreement, or Form 08TW114E, Work Experience Program - For-Profit Participant Agreement, is completed at this time. A copy of Form 08TW014E or Form 08TW114E is mailed to the facility as notification of the participant's starting date.

6. A contracted entity can include, but is not limited to:
(1) Oklahoma Department of Career and Technology Education (ODCTE);

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

(3) Workforce Investment Act (WIA); or


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

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

12. The worker documents participation on the Information Management System by using the ETPANEW transaction.

13. Copies of the agreements and procedures for implementing the program are distributed through annual FSSD numbered memos. Workers are trained and the program is implemented according to the agreement.
340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services

Revised 6-1-08

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

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

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

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

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

   (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 allowed after the service is rendered. ■ 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. To be eligible for the work activity payment, the person must be ready to participate in or be in a required work activity and in need of a small amount of cash to purchase items such as a tank of gas, or health, beauty, or personal items. ■ 6 The maximum amount approved cannot exceed $40 per month.

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

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

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

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

(D) The daily allowance paid is: ■ 9

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

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

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

(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.

INSTRUCTIONS TO STAFF 340:10-2-8

Revised 6-1-08

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 Medicaid, such as non-compensable prescriptions, medical supplies, psychological evaluations, mandated drug tests, or physical examinations not paid by an employer or training provider.

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

4. The worker must:

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

   (2) negotiate for goods and services for the participant at the least possible cost and determine if the labor cost can be reduced or donated;
(3) not include state or local taxes in the negotiated amounts;

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

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

5. (a) The payment screen is accessed through the online Finance Division system or the Finance Applications Web site on the InfoNet.

   (1) Data entered on the provider includes federal identification number, address, and telephone number.

   (2) The worker enters on the same screen:

      (A) case number;

      (B) cash amount of the service;

      (C) the object code found on OKDHS Appendix 08AX016E (H-4), Flexible Accounts; and

      (D) a description of the service to be provided to the participant. This description must be as detailed as possible to prevent any misunderstanding as to what the payment of the authorization covers.

   (3) When all the information is entered, the completed form is printed and given to the participant.

   (b) The county director or designee is responsible for periodically monitoring the expenditures from the flexible fund account.

6. The work activity payment is accessed through the ETPANEW screen. This payment can be issued as needed up to $40 per month. This payment is not issued to supplement monthly living expenses.

7. Participation allowances are not paid for the TANF Work components of working full-time (WF), working part-time (WP), or on-the-job training (TT). Refer to OAC 340:10-2-1 for the payment of participation allowances for holidays and excused absences.
8. Form 08TW13E, Time and Progress Report, advises the participant to submit pages one and two to the local human services center (HSC) by the 20th of the current month and pages three and four by the fifth of the next month.

9. Participant allowances are determined using the ETPANEW transaction and entering the hours reported by the recipient on Form 08TW013E. Any portion of an hour equal to or less than 29 minutes is rounded down to the next whole hour. Any portion of an hour equal to or greater than 30 minutes is rounded up to the next whole hour.

10. The worker accesses Oklahoma State Bureau of Investigation (OSBI) background requests through the FSSD TANF home page on the OKDHS InfoNet.

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

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

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

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

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

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

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

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

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

14. See OKDHS Appendix 08AX026E (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.
340:10-3-28. Lump sum payments

Revised 6-1-08

Lump sum payments received from any source are considered as income. Changing a resource from one form to another is not considered a lump sum payment. ■ 1

(1) A nonrecurring lump sum payment considered as income includes payments based on accumulation of income and payments which are considered windfall in nature. ■ 2 Retirement benefits received at time of retirement in a lump sum are considered as unearned income. ■ 3 A non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a Temporary Assistance for Needy Families (TANF) recipient who is not currently eligible for SSI, is not counted as income or a resource for TANF purposes in the month paid and the following month. The amount remaining in the second month after the month of receipt is a countable resource. ■ 4

(2) The worker gives the person Form 08TA006E, Important Notice About the Effect of Lump Sum Payments on TANF Benefits, to ensure he or she has knowledge of the effect of lump sum receipt on eligibility. ■ 5

(3) A recipient who returns the cash assistance for the same month a lump sum is received is not considered a recipient for that month. The recipient must report the lump sum within 10 calendar days of receipt. The cash assistance must be returned within 10 calendar days from the date the lump sum is reported. ■ 6

(4) A person who receives a lump sum payment may request his or her needs be removed from the assistance unit if, in accordance with OAC 340:10-3-56, the person is not required to be in the assistance unit. If this person requests his or her needs be removed, the lump sum rule does not apply. If the person does not request his or her needs be removed from the assistance unit, the lump sum rule applies to the entire assistance unit.

(5) Ineligibility due to a lump sum payment received by a person required to be in the assistance unit in accordance with OAC 340:10-3-56 applies to all members of the assistance unit, including those not required to be in the assistance unit.

(6) Any remaining part of a lump sum payment received by a non-recipient prior to the date of application is considered as a resource.

(7) The lump sum rule is not applicable if the period of ineligibility was determined by
another state prior to the person establishing residence in Oklahoma.

(8) Lump sum payments minus allowable deductions related to establishing the lump sum payment received by persons are considered as income. Allowable deductions are expenses earmarked in the settlement or award to be used for a specific purpose. ■ 7 Earmarked means an expense specifically set forth in the settlement or award. For earned income received in a lump sum, work related expense and one-half of the remainder are allowed as deductions for each month the earned income accumulated. The lump sum payment is added to all other countable monthly income considered in determining the amount of the TANF benefit including non-excluded child support payments received by the Child Support Enforcement Division. The TANF benefit is not included. If the total equals or exceeds the payment standard for the assistance unit size, the case is determined ineligible. ■ 8 The case remains ineligible for the number of months derived by dividing the total amount of monthly countable income plus the lump sum payment by the need standard for the assistance unit size.

(9) The lump sum payment is considered whether depleted or not until the period of ineligibility has expired. The period of ineligibility begins with the next possible effective date. ■ 9 Any income remaining is treated as other income received in the first month following the period of ineligibility.

(10) If the lump sum is received by a stepparent not included in the TANF unit, the stepparent's countable income including the lump sum is computed in accordance with the stepparent policy at OAC 340:10-3-57(f). Any portion of the lump sum income retained after the month of receipt represents a resource to the stepparent. The resource is considered in determining TANF eligibility only to the extent of the amount actually contributed to the assistance unit.

(11) In all cases where a lump sum payment has been or is expected to be received, the person must be advised of the lump sum rule. ■ 10 In all cases where the Oklahoma Department of Human Services (OKDHS) learns from a third party that a lump sum payment has been or is expected to be received, the person is advised within five calendar days of the lump sum rule. ■ 11

(12) The period of ineligibility may be recalculated and shortened when: ■ 12

(A) an event occurs which, had the assistance unit been receiving TANF, would change the need requirement and the amount of payment including revision of the TANF Need Standard;

(B) the income becomes unavailable due to circumstances beyond the person's
control; ■ 13

(C) the TANF assistance unit has incurred, incurs, or becomes responsible for and pays for an immediate family member's medical or funeral expenses; or

(D) funds from the lump sum are expended to enhance employment. ■ 14

(13) Recurring lump sum income received from any source for a period covering more than one month is prorated over the period of time it is intended to cover, beginning with the month of receipt of a lump sum payment. ■ 15 On applications and active cases, it is considered as available for the period of time it is intended to cover even though it is depleted in less than that time. If the lump sum closes a case and the person later reapplies for TANF, the prorated amount is considered as income for the period of time it was intended to cover even if it has been depleted. Any remaining part of a recurring lump sum payment received by a non-recipient prior to the date of application is considered a resource.

INSTRUCTIONS TO STAFF 340:10-3-28

Revised 6-1-08

1. An example of changing a resource from one form to another is converting personal property to cash.

2. Payments considered windfall in nature include, but are not limited to, Veterans' benefits (VA) or Social Security lump sum payments, inheritances, gifts, worker's compensation payments, cash winnings, except those winnings derived from an established pattern of gambling, and personal injury awards. For exceptions, see OAC 340:10-3-5(9) for income tax refunds and OAC 340:10-10-7(5) for excess child support payments remaining after reimbursement of all Temporary Assistance for Needy Families (TANF) cash assistance.

3. See OAC 340:10-3-39 for recurring receipt of retirement benefits. See OAC 340:10-3-5(9) for retirement benefits received at termination of employment.

4. The worker must ask applicants if they have received a lump sum payment during the month of application, any month during the application process, or anticipate receiving a lump sum in the future. Recipients are asked at the time of periodic redetermination if the assistance unit has received or is expecting to receive a lump sum.
5. The **person** is requested to sign and date Form **08TA006E**, Important Notice About the Effect of Lump Sum Payments on TANF Benefits. The original is given to the **person** and a copy filed in the case record. The worker provides an oral explanation, including examples of lump sum payments where the lump sum rule does or does not apply, the budgetary requirements of the lump sum rule, how the rule affects other benefits, and the importance of reporting anticipated receipt of a lump sum payment. When there is indication of anticipated receipt of a lump sum payment, the worker offers counseling regarding voluntary withdrawal of the application or case closure and availability of free legal advice.

6. (a) When the recipient agrees to return the cash assistance the worker advises the recipient to secure a money order made payable to the Oklahoma Department of Human Services (OKDHS) in the amount of that month's benefit. The money order and a memo including the recipient's name, case number, and reason the payment is being returned is mailed to FSSD, TANF Section.

(b) Family Assistance/Client Services (FACS), **Case Notes**, are updated.

(c) The worker makes and gives to the recipient as a receipt, a copy of the memo and the money order, if appropriate.

7. Allowable deductions or earmarked expenses include, but are not limited to, attorney's fees and court costs that are identified in the lump sum settlement and medical or funeral expenses for the immediate family.

8. See DHS Appendix **08AX001E** (C-1), Schedule of Maximum Income, Resource and Payment Standards, Schedule IX.

9. See (12) of this subsection.

10 Advising the **person** includes budgetary requirements, effect on other benefits, counseling, options of voluntary application withdrawal or termination, and availability of free legal advice.

11. Within five calendar days of the date that the worker learns of a lump sum payment which will cause ineligibility or as soon as there is sufficient information to compute the period of ineligibility, the worker completes and mails or gives Form **08TA007E**, Lump Sum Termination/Denial Notice, to the **person**. An oral explanation of the notice must be given to the **person** with
information and assistance with an application for other benefits, if appropriate.

12. A decision by the worker to recalculate and shorten the period of ineligibility requires a detailed explanation in FACS Case Notes and necessary verification in the case record.

13. Examples of circumstances beyond the person's control include:

   (1) theft;

   (2) natural disasters;

   (3) a member of the assistance unit takes the money and leaves the household;

   (4) payment of overdue utility bills to avoid cut-off of essential utility services existing at the time the lump sum money is received; and

   (5) payment of overdue rent or late mortgage payment to avoid eviction or foreclosure existing at the time the lump sum money is received.

14. Examples of expending funds from a lump sum payment for enhancement of employment include, but are not limited to, buying or repairing a car for purposes of employment, moving expenses to relocate for better job opportunities, or buying necessary clothing for job search or employment.

15. A recurring lump sum is money that is received in a lump sum recurrently such as annual rentals from surface or minerals, oil and gas production, cash winnings that are derived from an established pattern of gambling, and Windfall Profits tax refund. In instances where a person receives new income from oil and gas production and verification is not available, the worker accepts the available verification and averages the income over the period of time intended to cover. Income may be verified by seeing the person's production check stub or by contacting the oil and gas company. Cash winnings may be verified by seeing the person's Form(s) 1099 from the gambling establishment or by contacting the establishment. The income from cash winnings is annualized over a 12-month period even if the income is received over a period of time shorter than 12 months.
340:10-3-57. Special considerations

Revised 6-1-08

(a) Concurrent receipt of State Supplemental Payment (SSP) for the aged, blind, or disabled. A person who is not a recipient of Supplemental Security Income (SSI) has an option to be included in a Temporary Assistance for Needy Families (TANF) assistance unit or may be a recipient of SSP if all eligibility requirements are met. The person may also be included in the TANF assistance unit pending determination of eligibility for SSP or SSI if all eligibility requirements are met.

(b) Concurrent receipt of TANF and SSI. A person cannot be included in a TANF benefit for the same month he or she was included in an SSI payment. If it appears a person included in a TANF application or an active TANF benefit might meet the eligibility conditions for TANF and SSI, the person has a choice to have eligibility determined for TANF or SSI benefits. Persons are informed of their responsibility to report to the Oklahoma Department of Human Services (OKDHS) if any member of the assistance unit makes application for SSI or becomes eligible for SSI. If any assistance unit member applies for TANF or is receiving TANF when the member makes an application for SSI, the member must inform the Social Security Administration (SSA).

(1) When the only dependent child(ren) is receiving SSI, the natural or adoptive parent(s) or needy caretaker relative may receive TANF if all other factors of eligibility are met. The assistance unit will consist of the adult(s) only.

(2) When a TANF applicant is also an applicant for SSI, eligibility for TANF must be determined and, if eligible, is included in the benefit until notified of SSI eligibility.

(3) When a TANF recipient is an applicant for SSI, the SSA advises the OKDHS of SSI eligibility, and requests the month of TANF termination and the amount of TANF benefits paid for each month of SSI eligibility. SSA considers a recipient removed from a TANF benefit effective with, and based on, the TANF termination date provided orally by the worker. If the actual date of termination is later than the date given orally to SSA, TANF payments to SSI recipients are TANF overpayments and must be recouped.

(4) When a TANF recipient is determined ineligible for SSI the person may continue to be included in the TANF assistance unit if all other conditions of eligibility are met.

(5) When a TANF recipient is determined ineligible for SSI for reasons other than a disability determination the person may be included in an SSP, if all other conditions
of eligibility are met. ■ 6

(c) **Concurrent receipt of state and tribal TANF.** A person who is included in a tribal TANF payment cannot be included in another TANF benefit in the same month. If the person meets the criteria of a tribal TANF service area and population, the entire household must be served by tribal TANF. If the household moves out of the tribe's service area, the worker coordinates certification of state TANF benefits.

(d) **Concurrent receipt of more than one form of public assistance.** A person who is included in a TANF benefit cannot be included in another TANF or SSP benefit for the same period. When a TANF applicant is eligible for TANF but has received a weekly or bi-monthly TANF benefit from another state for the same month the applicant is eligible in Oklahoma, the benefit from the other state is counted as unearned income. ■ 7 A person who is the payee for a TANF benefit, but not included in that benefit, is not prevented from being a recipient of SSP if the SSP eligibility requirements are met. When transferring a TANF recipient to SSP, the removal and approval date must agree.

(e) **Stepparent or person acting in the role of a spouse and parent(s) of a minor parent.** The natural or adoptive parent's income cannot be diverted to meet the needs of the stepparent or other dependents in the home, but is considered available to the TANF assistance unit. No income is considered if the stepparent, person acting in the role of a spouse, or parent(s) of a minor parent is an SSI recipient.

(1) **Stepparent income.** If a stepparent of the child(ren) for whom TANF is requested is living in the home with the child(ren), the verified earned and unearned income of the stepparent, after all applicable TANF income disregards and work related expenses, is computed to determine the amount considered available to the assistance unit. The stepparent's income is computed by:

(A) subtracting the work related expense, one-half of the remaining earned income, and dependent care expense from the stepparent's earned income for full-time or part-time employment; [OAC 340:10-3-33]

(B) adding the net earned income to the stepparent's unearned income;

(C) subtracting the need standard for the appropriate number of persons, including the stepparent and dependents who are not included in the assistance unit but are living in the home and can be claimed on the stepparent's personal income taxes; ■ 8

(D) subtracting the actual amounts the stepparent paid to persons not living in the household but claimed as tax dependents. It is the stepparent's
(E) subtracting the actual payments of alimony and child support to persons outside the household; and

(F) adding the stepparent's remaining net income to all other gross income of persons included in the TANF assistance unit. If the income does not exceed the monthly maximum gross income, the remaining income of the stepparent is considered as a contribution to the assistance unit.

(2) Stepparent resources. Resources owned exclusively by the stepparent are not considered in determining the assistance unit's resource eligibility. Consideration is only given to the assistance unit's share of resources that are owned jointly with the stepparent.

(3) Person acting in the role of a spouse. Income must be considered available to the TANF assistance unit of any non-relative adult(s) of the opposite sex not receiving TANF who lives in the home with the natural or adoptive parent. The income of this person(s) is computed the same as stepparent income; however, the exemption of one-half of the remainder and dependent care expense is not applicable in determining this person's countable earned income. If the parent or the person acting in the role of a spouse fails to provide information necessary to determine income eligibility, the application is denied or the cash assistance terminated.

(4) Parent(s) of a minor parent. When a minor parent is living in the home with his or her natural or adoptive parent(s) and the needs of the parent(s) are not included in the assistance unit, the parent's income is considered available to the assistance unit and computed the same as stepparent income. The income of a minor parent's stepparent is not considered. The parent of the minor parent may be designated as the substitute payee for the case.

(f) Allocating or diverting income. When family members are not included in the assistance unit, special consideration is required in determining the income available to the assistance unit.

(1) Income received by a person included in the assistance unit is not allocated or diverted to persons who are not in the assistance unit. All countable unearned and earned income of the person is considered available to the assistance unit.

(2) The net income of an alien parent excluded from the benefit because the citizenship or alienage requirement is not met is considered the same as stepparent
income. The needs and income of disqualified alien siblings are not considered when determining eligibility of an otherwise eligible child(ren).

(3) The net income of a fugitive felon excluded from the benefit is considered the same as stepparent income.

(g) Benefit reduction as a result of program violation. The TANF benefit is reduced by 25% of the payment standard when a determination of program violation has been made. The 25% penalty is removed the next effective date when compliance is documented or the time frame for the penalty has ended. When multiple types of program violations have occurred, a 25% penalty of the payment standard is imposed for each type of violation. If the benefit reduction causes existing income to be in excess of the benefit amount, the case is closed using the reason for the benefit reduction.

The amount of the payment standard reduction applies as Food Stamp Penalty Income in the Food Stamp Program. Reasons for benefit reduction are:

(1) refusal to cooperate in an effort to obtain child support; (OAC 340:10-10-5(c))

(2) failure to apply for or provide a Social Security number;

(3) failure of a child(ren) kindergarten age to 18 years of age to attend school; (OAC 340:10-13)

(4) failure to provide verification of child(ren) immunizations; and (OAC 340:10-14)

(5) intentional program violations determined as fraud by court action or an administrative disqualification hearing or administrative hearing waiver. (OAC 340:65-9-4)

(h) Parent living in the home receiving SSP. When there is a parent living in the home but not included in the TANF benefit because of receipt of SSP and not SSI, consideration is not given to that parent's individual income for the TANF benefit. When a parent in the SSP benefit becomes ineligible to continue to receive the SSP, the parent is included in the TANF benefit and all the income and resources of the parent are considered in determining eligibility for TANF. If consideration of the parent's income and resources causes the TANF benefit to be closed, and the closure of the SSP benefit was a direct result of an overall Social Security increase, the SSP benefit is placed in Special Medical Status. If the parent is living in the home but not included in the TANF benefit because of receipt of SSP and SSI, no consideration is given to the parent's income and the parent is not included in the TANF assistance unit.
as long as the parent remains eligible for SSI.

(i) **TANF eligibility when the child(ren) is placed in out-of-home care.** 21 When the child(ren) is removed by a child protection action and it is reasonably anticipated the child(ren) will return to the home within four months, the natural or adoptive parent or needy caretaker relative continues eligible for TANF, if other conditions of eligibility are met. 22

(1) A team consisting of the worker, the Child Welfare (CW) worker, the natural or adoptive parent or needy caretaker relative, and any other appropriate partner(s) must meet to develop a mutually agreed upon plan of action. 23 This plan addresses employability and strategies to correct the conditions which caused the child(ren) to be removed from the home. 24

(2) At the end of the four month period if the child(ren) has not been returned to the home, the adult(s)' needs are removed and the TANF benefits are discontinued. 25

(j) **Strikers.** The assistance unit is not eligible for TANF for any month the natural or adoptive parent, whether or not included in the benefit, is participating in a strike on the last day of that month. A person other than the natural or adoptive parent is not included in the benefit for any month if that person is participating in a strike on the last day of the month.

**INSTRUCTIONS TO STAFF 340:10-3-57**

**Revised 6-1-08**

1. The Family Support Services (FSS) worker is responsible for explaining the benefits of both programs but the person is responsible for choosing the program that is most beneficial in meeting the person's needs.

2. See OAC 340:10-2-8(c)(6) for the Disability Advocacy Program.

3. See OAC 340:10-3-28(a)(1) for non-recurring lump sum Supplemental Security Income (SSI) retroactive payments.

4. The local Oklahoma Department of Human Services (OKDHS) office notifies the Social Security Administration (SSA) District Office when a Temporary Assistance for Needy Families (TANF) recipient is certified or terminated for cash assistance, if the recipient has also applied for SSI.
5. The FSS worker is responsible for providing the requested information to SSA, taking the appropriate action to adjust the benefit for the next effective date, and confirming such action.

6. See OAC 317:35-5-4(a)(1)(D) when SSI has already determined the person ineligible.

7. A person is denied assistance for ten years if found to have fraudulently misrepresented residence in order to obtain assistance in more than one state. See OAC 340:10-3-56(a)(3)(N).

8. See OKDHS Appendix 08AX001E (C-1), Maximum Income, Resource, and Payment Standards, Schedule IX.A.

9. The stepparent's most recent income tax return can be used as documentation.

10. When the stepparent has earned income, on the Family Assistance/Client Services (FACS) Income tab enter the total gross amount in the designated income field and the computer automatically calculates the work related expense and income disregards. Any unearned income is entered in the designated field. Enter the diverted field with the need standard as indicated on OKDHS Appendix 08AX001E (C-1), Schedule IX, for the appropriate number of persons and, if necessary, any exemptions.

11. If the natural or adoptive parent is living with a couple, the couple's income is not considered available to the TANF assistance unit.

12. The person acting in the role of a spouse is coded on the FACS Household tab as an "other adult residing in the household" in the Rel to Payee field, as "TANF - Temporary Assistance to Needy Families" in the benefit field and "Income/Resources are considered in benefit computation - person not included" in the status field.

(1) On the FACS Income tab, if this person has earned income, enter the total gross amount in the designated income field and the computer automatically calculates the work related expense.

(2) Any unearned income is entered in the designated field.

(3) Enter the diverted field with the need standard as indicated on OKDHS
Appendix 08AX001E (C-1), Schedule IX, for the appropriate number of persons and, if necessary, any exemptions.

(4) Any remaining income is considered available to the TANF assistance unit.

13. See OAC 340:10-3-56(a)(3)(P), when the payee is an unmarried minor.

14. To determine the need standard for the alien parent and/or any disqualified siblings who do not meet the citizenship and alienage requirement, see OKDHS Appendix 08AX001E (C-1), Schedule IX.

15. See OKDHS Appendix 08AX001E (C-1), Schedule IX.

16. A supplement is issued for the next month, if compliance occurs after deadline.

17. See OAC 340:65-3-8 for review periods. The closure code is entered on FACS Financial Assistance tab, penalty and other income (14A).

18. The 25% benefit reduction is initiated by the FSS worker updating the FACS, Household tab, for the appropriate penalty block(s) and the Financial Assistance tab at the same time for recalculation of the cash benefit. The computer automatically updates the Food Stamp Penalty Income (FSPI) screen. See OAC 340:50-7-29(b)(1)(A).

(1) When the program violation has ended, the FSS worker must update FACS, Household tab, to remove the penalty and make a change at the same time to the FACS Financial Assistance tab for recalculation of the cash benefit.

(2) The FSS worker must also complete the Food Stamp Penalty Update (FSPU) screen with an end date.

(3) When the TANF benefit closes and there is a program violation coded, the FSS worker must update FACS, Household tab, by removing the penalty and the FSPU screen with an end date.

19. The 25% penalty only applies if the applicant or recipient is the natural or adoptive parent of the child(ren). The 25% penalty applies to adult only cases when the child(ren) is receiving State Supplemental Payment (SSP) and/or
Supplemental Security Income (SSI). If the adult is receiving SSP and/or SSI, and fails to cooperate with CSED, the 25% penalty is coded on the child(ren) in the Temporary Assistance for Needy Families (TANF) benefit.


22. (a) The FSS worker is notified by the Child Welfare (CW) worker within five working days from the filing of the petition to remove the child(ren) from the home.

   (1) The child(ren) is removed from this TANF benefit.

      (A) It is the responsibility of the FSS worker to determine if the adult(s) meets continuing eligibility requirements.

      (B) If not met, the appropriate case action is taken.

   (2) When the CW worker informs the FSS worker the child(ren) has been placed in another relative’s home and TANF benefits are requested by this relative for the child(ren) only, the needy caretaker relative or the natural or adoptive parent, if eligible, is approved for continuing adult only TANF benefits.

(b) When the adult(s) is determined eligible:

   (1) the FACS TANF Work tab is updated to reflect TANF pending reunification in the Payee/Spouse Grant Indicator field;

   (2) the expected date of return is updated by using the FF transaction for PS2 block B80;

   (3) food benefits are recalculated using the adult only benefit amount; and

   (4) the adult(s) continues eligible for medical benefits.

(c) When the child(ren) is returned to the home the:

   (1) date entered in PS2 block B80 is deleted;
(2) Payee/Spouse Grant Indicator field on the FACS TANF Work tab is updated to Parent or Caretaker relative included in benefit and is a required TANF Work participant; and

(3) child(ren) is added back to the TANF benefit, if the family continues to meet eligibility criteria.

23. The team must meet within 15 working days of the filing of the petition. At a minimum, the team consists of the FSS worker, CW worker, and the natural or adoptive parent or needy caretaker relative. The plan of action agreed upon must be documented in FACS Case Notes.

24. Any time during the four-month period that it is evident the natural or adoptive parent or needy caretaker relative is not complying with the plan of action, the FSS worker notifies the CW worker and terminates the TANF adult only benefits. If the CW plan changes any time during the four-month period to other than reunification, the FSS worker is notified and the TANF adult only benefits are terminated.

25. A County Worker Activity (CWA) Report 80 notifies the FSS worker during the third month for action to be taken. If no action is taken by regular roll of the fourth month, the case continues to appear on the CWA Report. It is the responsibility of the FSS worker to take appropriate timely action. FACS Case Notes must document the decision to not return the child(ren) to the home. Other available support services and OKDHS programs are explained to the natural or adoptive parent or the needy caretaker relative.
340:10-3-59. Assistance benefits

Revised 6-1-08

(a) Availability of funds. If funds in any category of assistance are not sufficient to meet the full need of all persons in that category within the Oklahoma Department of Human Services (OKDHS) policy, the Commission for Human Services (Commission) specifies the percentage of total requirements for which funds are available. The formula for computing the assistance payment is the need standard multiplied by the percent specified by the Commission equals the payment standard. The payment standard minus the total available net income equals the amount of the assistance payment.

(b) Maximum benefits. The maximum benefit a Temporary Assistance for Needy Families (TANF) assistance unit is eligible to receive cannot exceed a nine-person payment standard. A TANF eligible child(ren) who is not a blood-related sibling to the other TANF eligible child(ren) must have his or her own case.

(c) Minimum payments. The minimum TANF benefit is $10 except for recoupment of an overpayment. No TANF benefit is issued when the family is eligible for a monthly benefit of less than $10. However, the TANF case is eligible as an active case in "Special Medical Status" and the family can receive food benefits in this case, if eligible.

(d) Payment to minors. Minors may be considered as the adult payee for TANF on behalf of others if the person is assuming the responsibilities of an adult and meets all conditions of eligibility for TANF.

(e) Overpayments. The overpayment may be the whole or any part of the benefit or vendor payment made when the recipient did not meet all conditions of eligibility.

(f) Non-conditioning of benefits. The flat grant system of budgeting was developed to determine the extent of need based on the number of eligible persons and is not interpreted to restrict in any way the use the recipient makes of the TANF benefit. This also precludes any agreement on the part of OKDHS to pay or guarantee payment for goods or services provided to recipients by vendors in lieu of money payment.

INSTRUCTIONS TO STAFF 340:10-3-59

Revised 6-1-08

1. See OKDHS Appendix 08AX001E (C-1), Schedule of Maximum Income,
Resource, and Payment Standards, Schedule IX.

2. See OAC 340:10-3-56, Instructions to Staff 3.

3. The computer automatically places the case into Special Medical or active status as changes occur. This type of benefit continues to be redetermined every 12 months.

4. (a) Refer to OAC 340:10-3-56(3)(P) for rules on when a minor parent may not be considered part of the assistance unit.

   (b) Using an adult as substitute payee for the minor is best practice but not mandatory. See OAC 340:65-5-66 for more information about substitute payees.

   (c) On the Household tab on Family Assistance/Client Services (FACS), enter the "rel to payee" field for the minor parent as "applicant or recipient w/guardian, conservator, substitute payee." On the Case Information tab, the "guardian, substitute payee, conservator/extra address" field is updated to show the name of the minor payee's guardian or substitute payee and the "extra address indicator" field is updated to show "legal guardian," "natural guardian," or "substitute payee" depending on the relationship of the person to the minor payee.

340:10-3-75. Continued medical benefits (CMB)

Revised 6-1-08

(a) Conditions for CMB. Medical benefits are continued when a Temporary Assistance for Needy Families (TANF) benefit is closed due to the receipt of child or spousal support, or new or increased earnings of the caretaker relative. 1 The medical assistance coverage is of the same amount, duration, and scope as if the assistance unit continued receiving TANF. Eligibility for CMB begins with the effective date of closure or the effective date of closure had the income been reported timely. A person is included for CMB only if that person was eligible for TANF and included in the assistance unit at the time of the closure. To be eligible for CMB the assistance unit must meet all of the requirements listed in (1) - (4) of this subsection.

(1) At least one member received TANF in at least three of the six months immediately preceding the month of case closure.

(2) The assistance cannot have received fraudulently as determined by Family Support Services Division Benefit Integrity and Recovery Section in any one of those six months.

(3) The assistance unit must include a dependent child who meets the age and relationship requirements for TANF and whose needs are included in the TANF assistance unit at the time of closure, unless the only eligible child is a Supplemental Security Income (SSI) recipient.

(4) Client must comply with Soonercare (Medicaid) citizenship and identity verification rules at OAC 317:35-5-25.

(b) Closure due to child support or spousal support. Medical benefits are continued if the TANF closure is due to the receipt of new or increased child support or payments for spousal support in the form of alimony. The medical benefits are continued for four months.

(c) Closure due to new or increased earnings of caretaker relative. Medical benefits are continued if the closure is due to the new or increased earnings of the caretaker relative. The caretaker relative's needs must be included in the assistance unit at the time of closure. The caretaker relative who is the natural or adoptive parent is required to cooperate with Child Support Enforcement Division during the period of time the family is receiving CMB. If the caretaker relative changes during the CMB period, the assistance unit loses its CMB coverage.
(1) **Eligibility.** Medical benefits may be continued for a period up to 12 months. This period is divided into two six-month periods with eligibility requirements and procedures for each period.

(A) **Initial six-month period.** The assistance unit is eligible for CMB if:

(i) an eligible child remains in the home;

(ii) the caretaker relative remains the same; and

(iii) the assistance unit remains in the state.

(B) **Additional six-month period.** Medical benefits are continued for the additional six month period if:

(i) an eligible child remains in the home;

(ii) the caretaker relative remains the same;

(iii) the assistance unit remains in the state;

(iv) the assistance unit was eligible for and received CMB for each month of the initial six month period;

(v) the assistance unit has complied with reporting requirements in (4) of this subsection;

(vi) the assistance unit has average monthly earned income that does not exceed the standard which is based on 185% of the Federal Poverty Level; and

(vii) the caretaker relative had earnings in each month of the three-month reporting period, unless the lack of earnings was due to an involuntary loss of employment, illness, or other good cause.

(C) **Income eligibility.** Income eligibility is determined using rules in (i) through (ix) of this subsection.

(i) The unearned income and resources of the assistance unit are disregarded in determining eligibility for CMB.

(ii) There is no earned income test for the initial six-month period.
(iii) The assistance unit's medical benefits are not continued for the additional six-month period if the assistance unit's countable earnings exceed the standard.

(iv) Income is determined by averaging the entire assistance unit's gross monthly earnings for the three-month reporting period.

(v) Use average family size for the immediate preceding three months when the family size changes during the three-month period.

(vi) The only deduction allowed is the cost for approved child care necessary for the employment of the caretaker relative. The child care deduction is averaged for the same three-month reporting period. There is no maximum amount for this deduction.

(vii) The earnings of all assistance unit members are used in determining the earned income test. The earnings of additional family members are considered only if that member is a natural or adoptive parent.

(viii) The needs of all persons whose earnings are considered are included in determining the household size for the income test.

(ix) The earned income of a full time student included in the assistance unit is disregarded the same as in TANF rules.

(D) Eligible child. When the TANF benefit is closed and CMB begins, the assistance unit must include an eligible child whose needs were included in the TANF benefit at the time of closure, unless the only eligible child is a SSI recipient. After the CMB begins, the assistance unit must continue to include an eligible child. However, age is the only requirement an eligible child must meet. This means that the eligible child does not have to meet the deprivation factor once CMB begins.

(E) Additional members. After the CMB begins, family members who move into the home cannot be added to the CMB coverage. This includes siblings and a natural or adoptive parent(s). If the additional member is in need of medical services, a new application is completed for that person. If an assistance unit member included in the CMB leaves the home and then returns, that member may be added back to the CMB coverage if all conditions of eligibility are met. A child under the age of one year whose mother is included in the CMB coverage, is added to the assistance unit if the child is deprived of parental support.
(F) **Third party liability.** The assistance unit’s eligibility for CMB is not affected by a third party liability. However, the assistance unit is responsible for reporting all insurance coverage and any changes in the coverage. The worker must explain the necessity for applying benefits from private insurance to the cost of medical care.

(G) **Termination of CMB.** The CMB coverage is discontinued any time the assistance unit fails to meet the eligibility requirements as shown in this Section. If it becomes necessary to discontinue the CMB coverage for the assistance unit or any member of the assistance unit, the person must be advised that he or she may be eligible for medical benefits under the regular SoonerCare (Medicaid) Program and how to obtain these benefits.

(2) **Notification.** Notices are sent to the assistance unit, both at the onset of and throughout the CMB period. These notices, which are sent at specific times, inform the assistance unit of its rights and responsibilities. When a TANF benefit is closed and the assistance unit is eligible for CMB, the computer generated closure notice includes notification of the continuation of medical benefits. Another computer generated notice is sent at the same time to advise the assistance unit of the reporting requirements and under what circumstances the medical benefits may be discontinued. Each notice listed in (A)-(C) of this paragraph includes specific information about what the assistance unit must report. The notices serve as the required advance notification in the event benefits are discontinued as a result of the information furnished in response to these notices.

(A) **Notice #1.** PSNCM1 is issued in the third month of the initial continued medical eligibility period. This notice advises the assistance unit of the additional six-month period of CMB, the eligibility conditions, reporting requirements, and appeal rights.

(B) **Notice #2.** PSNCM2 is issued in the sixth month of the continued medical eligibility period, but only if the assistance unit is eligible for the additional six-month period. This notice advises the assistance unit of the eligibility conditions, reporting requirements, and appeal rights.

(C) **Notice #3.** PSNCM3 is issued in the ninth month of the continued medical eligibility period, or the third month of the additional six-month period. This notice advises the assistance unit of the eligibility conditions, the reporting requirements, appeal rights, and the expiration of CMB coverage.

(3) **Notices not received.** In some instances the assistance unit does not receive all of the notices listed in (c)(2)(A)-(C) of this Section. The notices and report
forms are not issued retroactively. ■ 5

(4) **Reporting.** The assistance unit is required to periodically report specific information. To assist the unit, Form 08TA018E, Continued Medical Benefit Reply Form, is sent at the same time as the notices generated during the CMB period. Though preferred, it is not mandatory for the report form itself to be returned. The information may be reported by telephone, in an office interview, or by letter. ■ 6

(A) The assistance unit must report:

(i) gross earned income of the entire assistance unit for the appropriate three-month period; ■ 7

(ii) child care expenses, for the appropriate three-month period, necessary for the caretaker relative's continued employment;

(iii) changes in members of the assistance unit;

(iv) residency; and

(v) third party liability.

(B) The reporting requirement time frames are explained in this subparagraph.

(i) The information requested in the third month must be received by the 21st day of the fourth month and is used to determine the assistance unit's eligibility for the additional six-month period. While this report is due in the fourth month, negative action cannot be taken during the initial period for failure to report. If the assistance unit fails to submit the requested information, benefits are automatically suspended effective the seventh month. If action to reinstate is not taken by deadline of the suspension month, the computer automatically closes the case effective the next month.

(ii) The information requested in the sixth month must be furnished by the 21st day of the seventh month. The decision to continue benefits into the eighth month is determined by the information reported.

(iii) The information requested in the ninth month must be furnished by the 21st day of the tenth month. The decision to continue medical benefits into the 11th month is determined by the information reported.

(I) When the information is not reported timely, the CMB are automatically
suspended by the computer for the appropriate effective date.

(II) If the assistance unit subsequently reports the necessary information, the worker determines eligibility.

(III) If all eligibility factors are met during and after the suspension period, the medical benefits are reinstated. The effective date of the reinstatement is the same as the effective date of the suspension so the assistance unit has continuous medical coverage.

(d) Receipt of medical benefits after CMB ends. To ensure continued medical coverage, Form 08MA007E, Recertification of Eligibility for SoonerCare Health Benefits, is computer generated and mailed to the assistance unit during the third month of CMB for benefits closed due to the receipt of child or spousal support or the 11th month of CMB for benefits closed due to increased earnings. The assistance unit must return Form 08MA007E for a medical redetermination to be made prior to the termination of the CMB benefits. When determined eligible, medical benefits continue as health benefits not CMB. If the assistance unit fails to return Form 08MA007E, medical benefits are terminated.

INSTRUCTIONS TO STAFF 340:10-3-75

Revised 6-1-08

1. When medical benefits are not continued at the Temporary Assistance for Needy Families (TANF) closure and should have been, the worker is responsible for updating the Family Assistance/Client Services (FACS) system to reflect the information listed in (1) - (3) of this Instruction.

   (1) In the Interview notebook in the Financial Assistance tab enter Type Action Taken = C, Reason = correct reason code, and Effective Date = same effective date.

   (2) In the Eligibility notebook in the Medical General tab enter Type Action Taken = R, Reason = 18A, and Effective Date = correct date. In the Financial Assistance tab enter Continued Medical Begin Date = correct date or repeat entry.

   (3) For each person included for continued medical benefits (CMB), in the Interview notebook under the Household tab enter Benefit Type = C, Status = E, Date = closure date, Benefit Type = M, Status = A, and Date = most recent certification date.
2. Information regarding the private medical insurance must be kept current in the case record and the computer system.

3. This requirement is met by providing the person with an application. The case record must be documented to show this requirement has been met.

4. For example, if a TANF benefit was to be closed effective 05-01-00 but failed to get closed until 08-01-00, the effective date of CMB would be 05-01-00. Notice #1 would have normally been issued in July. Since the benefit was not closed timely, the assistance unit will not receive notice #1.

5. When a notice or report form is not issued to the assistance unit, the worker is responsible for working with the assistance unit to obtain the information necessary to establish their continued medical eligibility. The case record must contain documentation as to how continued medical eligibility was established.

6. (a) The Form 08TA018E, Continued Medical Benefit Reply Form, is computer generated on the 25th of each month and is shown on the notice list and the computer screens CM5A or CM5O for each human services center (HSC). The CM5A screen lists the most recent 08TA018E reports issued for a HSC while the CM5O screen shows only those 08TA018E reports issued after the first three months of CMB and information has not been received and updated by the HSC in the fourth or fifth months of the initial six months of eligibility. To access these screens enter CM5A or CM5O space HSC number. When the assistance unit responds to Form 08TA018E, it is the responsibility of the worker to update the CM5A or CM5O screen. If the information provided indicates continued eligibility, an "X" is entered in the indicator field and the date the form was returned or information received is entered in the date returned field.

   (b) CMB benefits are suspended if the CM5A or CM5O screen has not been updated. A notice of suspension is computer generated to the assistance unit. If it is determine that the assistance unit continues eligible for CMB benefits after the suspension action has taken place, the worker must reinstate the benefits effective the same effective date as the suspension. If a determination is made that the assistance unit will be ineligible at the beginning of the seventh month, the appropriate action is taken on the FACS system on the Medical General tab.

7. Gross earned income must be verified and documented.
8. When the assistance unit returns the Form 08MA007E, Recertification of Eligibility for SoonerCare Health Benefits, and continued medical benefits are appropriate, the worker must update the Certification Period in the Medical General tab of FACS. The FACS system updates the entries for the Continued Medical Begin Date, Continued Medical Expiration Date, and shows the TANF benefits removed.
340:10-10-7. Oklahoma Department of Human Services (OKDHS) responsibilities in relation to support payments

Revised 6-1-08

(a) Referral to the Child Support Enforcement Division (CSED). Federal regulations require referral to CSED no later than two working days after the Temporary Assistance for Needy Families (TANF) benefit is issued based on deprivation due to absence. The appropriate completed CSED forms supplement the computer-generated referral and are submitted, with the exception of good cause, to CSED. Information which may have an effect on support enforcement may become known after the CSED district office referral has been made. ■ 1

(b) Receipt of child support or spousal support. For purposes of this Subchapter, child support is defined as voluntary monetary contributions or court-ordered obligations. When a child support order also contains an order for spousal support which may be referred to as alimony or support alimony in Oklahoma, the obligation for spousal support must also be assigned to OKDHS. At the application interview, the applicant is informed of the responsibility to forward to the Oklahoma Centralized Support Registry (OCSR) any support payments received from the absent parent(s) after TANF certification. ■ 2

(1) Payments received during application period. All child support payments reported by an applicant during the time prior to certification are considered as income. For purposes of rules in this Chapter, certification is considered the date of the supervisor's signature authorizing payment. Support anticipated to be received after certification is not considered as the client has agreed by signing the application to submit any future payments to OCSR. ■ 3

(2) Payments received after certification. Any support payments brought to the human services center (HSC) by the client after certification must be forwarded to OCSR. Payments are not sent in the form of cash.

(3) Retained support payments. If the worker becomes aware that the client has retained assigned support payments, the CSED district office is contacted with this information.

(A) The client is considered as not cooperating if:

(i) assigned support paid directly to the client is retained;

(ii) he or she refuses to repay a retained support overpayment in full or sign a
repayment plan;

(iii) he or she fails to make payments according to the repayment agreement; or

(iv) he or she retains assigned direct support payment even if any overpayment has been repaid in full or a repayment plan is being followed.

(B) The CSED district office determines whether non-cooperation has occurred and notifies the worker. When non-cooperation is determined, the TANF cash assistance is reduced by 25% of the TANF payment standard and the support is considered as income the next effective date. ■ 4

(C) When notified by CSED that the client has resumed cooperation, the worker removes the 25% penalty and no longer considers the support as income. The cash assistance is increased the next effective date. ■ 4

(4) Child support and other income exceeds cash assistance. When a support payment is received that is greater than or equal to that month's TANF cash assistance, the TANF cash assistance must be closed the next effective date. ■ 5

If the TANF cash assistance is not closed timely, any child support payment received during that month or subsequent months is retained by CSED for reimbursement of TANF payments made for those months or any preceding months. ■ 6 When child support, spousal support, or both, causes ineligibility, the family is entitled to continued medical benefits. Following reimbursement of all TANF cash assistance, any excess payment remaining is forwarded to the client. ■ 7

(5) Federal and/or state tax intercept payments. Federal and/or state tax intercept is used for the collection of current and past due child support payments, including interest owed.

(A) Tax intercept payments collected by CSED prior to the client's current receipt of TANF and held for six months may be distributed to the client and is considered as a resource the month following the month of receipt. ■ 8

(B) Tax intercept payments collected for interest owed on past due child support may be forwarded to the client when the principle amount of past due child support has been paid off. ■ 7

(c) Arrearage in child support payments. CSED determines the amount of child support owed by the absent parent, which includes any arrearages. Arrearages are
amounts that are past due for previous months. When a child support payment received by OKDHS during any given month includes arrearages, paragraphs (1) through (2) of this subsection apply.

(1) Any portion of the arrearages for months during which the family was receiving TANF is considered as reimbursement to OKDHS for the TANF received by the family.

(2) The only payment from such arrearages made to the family is that portion, if any, which exceeds the total TANF payments.

(d) Child support services after TANF closure. At the time the TANF benefit is closed, the client is advised that he or she can receive non-TANF Child Support Services with no further application, no fee required, nor charge for collection deducted. This service occurs automatically unless the client specifically requests in writing that CSED not provide the service or the client becomes ineligible for non-TANF Child Support Services for some other reason.

INSTRUCTIONS TO STAFF 340:10-10-7

Revised 6-1-08

1. This information is reported by updating the absent parent information on the Deprivation tab on Family Assistance/Client Services (FACS) and forwarding attachments, if any, by memo to the appropriate Child Support Enforcement Division (CSED) district office.

2. Oklahoma Department of Human Services (OKDHS) Appendix 03AX016E (C-16), Child Support Services and Responsibilities, is fully explained and given to the applicant at this time. When the client forwards payment to the Oklahoma Child Support Registry (OCSR), the client’s name, case number, and the name of the absent parent making the payment must be included. OKDHS Appendix 03AX016E (C-16), page 2, lists the address of the OCSR.

3. Child support income is coded on the case at certification and removed using the unfinished issuance process. Child support income remaining on the case after certification is removed the next effective date. The worker issues a supplement for the TANF benefit for each month counted in error.

5. The amount of child support paid up to the amount of the monthly support is considered available. Any child support received above the monthly support amount is assigned to the Oklahoma Department of Human Services (OKDHS) for the reimbursement of prior months receipt of Temporary Assistance for Needy Families (TANF).

6. A recipient is not allowed to return the TANF benefits for a month the child support payment exceeds the TANF payment standard as it is not considered a lump sum payment.

7. This excess payment is considered as a non-recurring lump sum payment. See OAC 340:10-3-28(3).

8. See OAC 340:10-3-2.
340:10-20-1. Diversion Assistance (DA)

Revised 6-1-08

(a) Scope. 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 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. DA is not to be used for reimbursement of expenses already paid by client or others. 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 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 08AX001E (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 08AX001E (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

(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 08AX001E (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.