

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES**

Statutory Authority: 31 Delaware Code, Chapter 5, Section 512 (31 **Del.C.** Ch. 5, §512)

ORDER

TANF and Food Stamp Employment Training Program

Nature of the Proceedings:

Delaware Health and Social Services (“Department”) / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding changes to Delaware’s Temporary Assistance for Needy Families (TANF) and Food Stamp Employment and Training policies. The Department’s proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the March 2005 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 31, 2005 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

Summary of Proposed Changes

TANF

1. TANF sections 3002.1, 3002.2, 3002.3, 3002.9, 3006.2, 3006.6, 3030 and 3031.5 have been changed to reflect an increase from 20 hours per week to 25 hours per week in the required amount of participation hours for workfare, education, and work hours. This change now requires participants to work, participate in workfare, or education for 25 hours per week in order to meet participation requirements. The change in the participation requirement is also reflected in the time limited TANF programs’ monthly time count. The hours of participation required to stop the TANF month from counting towards the participant’s time limit has increased from 20 to 25.

These changes will prepare Delaware Division of Social Services (DSS) for TANF reauthorization and increase the number of participants DSS can count towards the mandated participation rate.

2. TANF sections 3007 Supportive Services and Transitional Benefits and 3007.6 Transportation Assistance.

Transportation benefits will now be automatically generated by DCIS II for TANF recipients who are referred to a Workfare Vendor. New Castle County (NCC) participants will receive \$5.00 per referral, Kent and Sussex (K/S) participants will receive \$10.00 per referral. This is not a new practice; the existing practice will now be automated. This will allow for state wide consistency of Transportation services.

Food Stamp Employment and Training

1. Section 10007 Participation Reimbursement has been re-designed to accommodate Transportation Reimbursement, section 10007.1, Dependent Care Reimbursement, section 10007.2, and Supportive Services Reimbursement, section 10007.3. Supportive Services Reimbursement is a new addition to policy. Transportation and Dependent Care Reimbursement sections have been modified to accommodate the changes due to automating and consolidating the Employment and Training (E&T) system into the DCIS II system. All of the above outlined reimbursements were, or are currently, practiced in the field. The consolidation of the computer systems has provided the opportunity to automate the majority of these procedures. This will provide consistent application of Transportation and Supportive Services participant reimbursement throughout the state. Participant reimbursement for E&T related expenses is mandated in the Code of Federal Regulations.

2. Section 10007.1 Transportation

Transportation allowances have been automated. New Castle County (NCC) participants will receive \$5.00 allowances and Kent and Sussex (K/S) participants will receive \$10.00. This maintains consistency between the FS and TANF transportation services.

Transportation allowances will be automatically issued upon successful completion of the Independent Job Search (IJS) Log and verified monthly attendance at a One Stop facility.

The FS E&T participants will have the ability to request more Transportation funds in addition to the initial \$5.00 or \$10.00 allowances when the additional expense is verified.

3. Section 10007.3 Supportive Services

Supportive Services are identified in our current state plan as other costs. For consistency, the TANF Supportive Services categories and limits have been used to estimate the FS E&T and work related participant expenses. These funds are a 50/50 State/Federal match.

Summary of Comments Received with Agency Response and Explanation of Change(s)

No public comments were received.

Findings of Fact:

The Department finds that the proposed changes as set forth in the March 2005 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual regarding changes to Delaware's Temporary Assistance for Needy Families (TANF) and Food Stamp Employment and Training policies are adopted and shall be final effective May 10, 2005.

Vincent P. Meconi, Secretary, DHSS , 4/15/05

DSS FINAL ORDER REGULATION #05-23 REVISIONS:

3002.1 Two-Parent Families - Time Limit, Temporary Welfare Program

A.) Delaware's Temporary Assistance for Needy Families Program (TANF), cash benefits are time-limited for households headed by two employable adults age 18 or older who are included in the grant. For households applying on or after 01/01/2000, the lifetime time limit will be thirty-six (36) cumulative months. Families will receive these benefits only through participation in a pay-after-performance work experience position or if the adults are working at least ~~20~~ 25 hours per week and the family has countable income ~~is~~ below the need standard.

Time limits apply when three conditions are met:

- the caretaker is included in the grant,
- the caretaker is age 19 or older,
- the caretaker is employable, and

When one or more of the conditions listed above is not met, the family receives benefits in the non-time limited program known as the Children's Program.

3002.2 Single Parent / Non-Parent Caretaker Families

Delaware's Temporary Assistance for Needy Families Program (TANF), cash benefits are time-limited for households headed by an employable adult age 18 or older who is included in the grant. For households applying on or after 01/01/2000, the lifetime time limit will be thirty-six (36) cumulative months. Families will receive benefits only through participation in a pay-after-performance work experience position or if the adult is working at least ~~20~~ 25 hours per week and the family has countable income ~~is~~ below the need standard.

Time limits apply when four conditions are met:

- the caretaker is included in the grant;
- the caretaker is age 19 or older;
- the caretaker is employable; and

When one or more of the conditions listed above is not met, the family receives benefits in the non-time-limited program known as the Children's Program.

3002.3 Time Limits For Single Parent and Two Parent Families on Assistance prior to 01/01/2000

If a family was headed by an employable adult age 18 or older who was included in the grant and received Delaware's Temporary Assistance for Needy Families Program (TANF) cash benefits prior to 01/01/2000 they had a forty-eight (48) cumulative month time limit. This lifetime limit will still apply for those families. After twenty-four

(24) cumulative months these families can only receive benefits if the adult is working at least ~~twenty~~ twenty-five hours per week or through participation in a pay-after-performance work experience position. The family must still have countable income that is below the need standard. Families with a forty-eight (48) month cumulative time limit who reapply for assistance on or after 01/01/2000 can only receive benefits if the adult is working at least ~~twenty~~ twenty-five hours per week or if through participation in a pay-after-performance work experience position.

Here are some examples:

1. Example:

A family initially began receiving TANF on 08/01/97. The TANF case was closed 06/30/1998. The family applied for and received TANF benefits while the time limit was forty-eight months. The family used eleven (11) months of time limited TANF benefits. The family reapplies for benefits 02/01/2000. The family can receive up to thirty-seven (37) more cumulative months of TANF benefits in the time-limited program if and only if:

- the employable adult is working at least ~~twenty~~ twenty-five hours per week; or
- by participating in a pay-after-performance work experience position; and
- the family still has countable income that is below the need standard.

2. Example:

A family had not received TANF benefits prior to 01/01/2000. The family applies for and it opened in TANF 03/01/2000. The family can only receive TANF benefits for up to thirty-six (36) cumulative months and only if:

- the employable adult is working at least ~~twenty~~ twenty-five hours per week; or
- by participating in a pay-after-performance work experience position; and
- the family still has countable income that is below the need standard.

See 3002.3 Time Limits For Those On Assistance Prior To 01/01/2000 - History

3002.9 Exceptions to the Time Limit Counter

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 calls for a maximum sixty (60) month lifetime limit on the receipt of Temporary Assistance For Needy Families (TANF) benefits. A family that has an employable adult will be able to receive cash benefits that do not count to the State's thirty-six (36) month or forty-eight (48) month time limit if:

- The adult is working for ~~twenty (20) hours~~ twenty-five (25) or more hours per week; and
- The countable income of the family is still below the need standard.

The Federal time limit does not apply in these cases.

3006.2 TANF Employment and Training Participation Rates

Under the Temporary Assistance For Needy Families Block Grant, DSS is required to meet the following work participation rates with respect to all families that include an adult or minor child head of household receiving assistance:

ALL FAMILIES		TWO-PARENT FAMILIES	
Fiscal Year	Minimum Participation Rate	Fiscal Year	Minimum Participation Rate
1997	25	1997	75
1998	30	1998	75
1999	35	1999 and after	90
2000	- - 40		
2001	- - 45		
2002 and after	50		

DSS may face a lower work participation rate if it experiences a net caseload reduction compared to FY 1995.

Example: If it is determined that DSS' average monthly caseload in FY 1997 was 4 percentage points lower than average monthly caseloads in FY 1996, then, rather than having to meet at 30% work participation rate requirement in FY 1998, the rate would be lowered by 4 percentage points to 26%.

To be counted toward meeting the work participation rate, each individual must meet the minimum number of hours averaged over a month. This differs from the old JOBS requirement in which the hours were averaged among participants, and where participants only had to meet at least 75% of the scheduled hours.

Example: Under JOBS, if Ms. Jones was scheduled for 20 hours and attended 15, she was counted as having participated for 20 hours. Under TANF, Ms. Jones would fail to meet her 20 hours requirement, and DSS could not count her as participating. In addition, under JOBS, you could pair participants and combine their hours to get more participants to the 20 hour level. For instance, one participant working 25 hours could be paired with one participant working 15 hours to get two participants. Under TANF, only one participant could count as having met the ~~20~~25 hour rule.

The monthly participation rate is calculated as follows:

Numerator: # of families receiving assistance that include adult or minor head of household who is engaged in work for the requisite hours

divided by

Denominator: # of families that include an adult or a minor child head of household receiving assistance, less # of families sanctioned in that month for failure to participate in work (for up to 3 months in preceding 12 month period), less the number of non-needy caretaker households, less the number of temporarily incapacitated households, less the number of mothers with a child under 13 weeks old.

3006.6 Senate Bill 101-1997 and Employment & Training Activities

Under Senate Bill 101-1997, persons who must participate in Delaware's Temporary Assistance for Needy Families Program, can qualify for participation purposes if they are engaged in secondary education, post-secondary education up to the baccalaureate level, adult basic education or vocational training. Participants must meet the following Senate Bill 101-1997 requirements in order to meet participation rates.

(a) Persons who qualify for assistance under Delaware's Temporary Assistance for Needy Families program shall be eligible to participate in adult basic education, secondary education, post-secondary education up to the baccalaureate level, adult basic education or vocational training, as an approved work activity provided each of the following requirements are met:

1. The person does not hold a baccalaureate degree.
2. The secondary, post-secondary education up to the baccalaureate level, or vocational training is pursued through an accredited or approved school program.
3. The person is enrolled with enough credit hours to have full-time student status and is in good standing as it relates to attendance and achievement as defined by the program the person is attending.
4. If the person attending school would otherwise be subject to a work requirement in order to receive assistance under TANF, the combination of credit hours and work hours shall equal at least 25 hours per week while the program is in session. This work requirement may be met through work-study, internships, externships, or through work as a research assistant. If possible, during scheduled breaks, the work requirement will be the same as for other program participants, with work experience related to the field of study. However, if the student is enrolled full-time for the next semester and work activity placement cannot be arranged for the duration of the break in classes, it may be excused.

For every 1 credit hour count 1.5 hours of study as part of the fulfillment of the required work participation hours. Therefore if a persons full-time status is 12 credit hours count the 12 hours plus an additional 18 hours (12 x 1.5 = 18) for a total of 30 hours of weekly participation.

(b) Loans, scholarships, grants and work-study received by the recipient to pay for tuition and materials are excluded in determination of eligibility for assistance under TANF or the amount of assistance received by the recipient.

(c) The Department of Health and Social Services shall advise all persons of this section at application interviews and, at a minimum, at each recertification appointment.

(d) Persons attending education and training programs under this section shall receive support services, such as assistance with transportation and child care, while they attend the educational or vocational training program on the same basis as support services are provided other persons who are receiving assistance under TANF.

(e) If program completion will occur within one semester or quarter after the time limit expires, an extension may be granted for that semester or quarter.

(f) Persons sanctioned while attending educational or vocational programs shall be afforded the same due process as provided other persons under TANF.

3007 TANF Supportive Services and Transitional Benefits

The Division will ensure that Supportive Services are available. The Division will ensure the availability of these services, to the extent it determines they are necessary for a recipient to participate.

Currently child care is provided in accordance with child care policy in DSSM 11000. Transportation assistance is provided in accordance with DSSM 3007.6. All other supportive services are included and provided by the vendors as specified in the employment contracts.

~~Support services based on the actual cost of services. The limit is imposed when the cost exceeds the maximum allowed. Participants are not automatically entitled to the maximum cost. Support services are paid or reimbursed to the participant based on the verified actual amount and the participant's need.~~

All other Supportive Services are included and provided by the vendor as specified in the employment contracts.

3007.6 Transportation Assistance

Transportation assistance will be paid to participants who are referred to the TANF E&T Workfare Vendor to assist with the transportation costs incurred during the initial contact with the Workfare Vendor.

Participants residing in New Castle County will receive a \$5.00 Transportation assistance check.

Participants residing in Kent and Sussex Counties will receive a \$10.00 Transportation assistance check.

The Transportation checks will be sent automatically by DICS II after Confirmation. Replacement checks can be issued by the supervisor after the completion of the affidavit.

3031 Work for your Welfare

All two-parent households, who are without employment, must enter a Work For Your Welfare activity to qualify for benefits. Single-parent adult recipients who reach their 22nd month of benefit and are without employment, and all eligible applicants on or after 01/01/2000, must enter a Work For Your Welfare activity to qualify for benefits. Additionally, all TANF recipients who are employed must have regular earnings of the current federal minimum wage at twenty-five hours per week. (The current federal minimum wage is \$5.15 per hour, which at 25 hours per week equals \$128.75 per week earnings.) A person who is employed but not earning at least the equivalent of the current federal minimum wage at twenty-five hours per week will be considered mandatory for Work for Your Welfare. A contracted worker must receive his or her wages on a regular basis to be exempted from this requirement. Work for Your Welfare is defined as a work experience program in which participants work to earn their benefits. In addition, DSS requires each participant to complete 10 hours of job search activity per week. The failure to complete job search as required will result in a progressive 1/3 sanction. For two parent households, one parent must participate in the Work For Your Welfare program in order to earn benefits. The second parent, unless exempt, must also participate in required employment related activities as defined by DSS and the DSS contractor.

3031.5 Ending a Work for Welfare Placement

Work for welfare placements will end when any of the following circumstances occur:

- The participant secures a full-time, non-subsidized job or a part-time, non-subsidized job of ~~20~~ 25 hours or more.
- The participant becomes exempt. Exemptions, however, can only occur if DSS declares participants unemployable, using the standard TANF definition for unemployable. In this case, DSS will transfer the participants to the Children's Program under TANF.
- The participant requests an end to benefits payments.
- When the time limit has been reached.

NOTE: Participants in either one parent or two parent households are exempt from work for your welfare participation if a parent is working ~~20~~ 25 or more hours per week in a non-subsidized job.

10007 E&T Non ABAWD Participant Reimbursement

Participants are reimbursed for necessary expenses incurred ~~in~~ while fulfilling Food Stamp Employment and Training requirements or obtaining/maintaining employment. ~~as follows~~ Reimbursements are available in the following areas:

A. ~~up to \$30 per participant, per month, for transportation and~~ Transportation as defined in 10007.1.

B. ~~up to \$496.65 per month for dependents under age 2; or \$521.60 per month for dependents with special needs under the age of 2; and~~

up to \$370.88 per month for dependents over 2, or \$389.36 per month for dependents with special needs over 2. Dependent care expenses as defined in 10007.2.

C. Support Services as defined in 10007.3.

The amounts noted represent the statewide limits DSS has set for its TANF Child Care programs. DSS elects to set its Food Stamp Employment and Training dependent care rates comparable to its TANF child care rates. The federal share of these statewide limits does not exceed half of the amounts noted.

DSS provides dependent care services through licensed care and exempt facilities. The types of care provided include: full-time care, before/after school care, and extended child care in either a family/group home or child care center.

When a Food Stamp Employment and Training work registrant needs dependent care to participate or continue participating in a component activity, offer the work registrant an option of using a child care facility with a contract with DSS or any other licensed or exempt facility a registrant might choose. Monthly child care providers submit attendance reports to the Division of Management Services, Payment Section. The Payment Section enters the attendance data in the Child Care Management Information System which makes payment to providers based on attendance and the prescribed Food Stamp Employment and Training dependent care formula.

Transportation, Dependent Care and Supportive Services payments are for all E&T mandatory or voluntary Non ABAWD participants.

10007.1 Method of Reimbursement for ~~Non-Dependent Care Costs~~ Transportation

The State agency elects to reimburse participants for transportation ~~and costs other than dependent care~~ based on an initial allowance plus actual verified expenses incurred beyond the initial allowance.

The total cost per participant per month is a reimbursement amount equal to the initial allowance plus actual costs documented by the participant that are above the initial allowance, but not exceeding the standard amount of \$30: \$30.00. Transportation reimbursement is given for those participants residing beyond a ten block radius from the place of work for urban areas, and 1/4 mile radius for rural areas, except in extenuating circumstances such as physical impairment. Contract providers and Case Managers are responsible for providing payments to participants.

Upon successful completion of the IJS log the participant will automatically receive a system generated transportation allowance. The allowance is \$5.00 for New Castle County (NCC) and \$10.00 for Kent and Sussex (K/S).

Upon computer verified participation at a DOL One Stop Service Center the participant will automatically receive a system generated transportation allowance. The allowance is \$5.00 for NCC and \$10.00 for K/S.

Participants can receive only one transportation allowance check per month to attend the One Stop Service Center regardless of the number of times they go to the One Stop Service Center. Participants can only receive one transportation allowance check per month. If the participant completes an IJS log and goes to the One Stop Service Center in the same month they will only receive one allowance check.

A participant may be reimbursed additional monies if the participant brings in verification of the actual expenses that were above the initial \$5.00 or \$10.00 allowance. The total monthly reimbursement should not exceed \$30.00.

Any monthly total exceeding \$30.00 must be verified and approved by a supervisor.

Depending on the individual's circumstances, an advance allowance or reimbursement after incurred expenses is provided. All records are maintained by contract providers and DSS. Providers attach supporting documentation to their monthly expenditure report to justify participant reimbursement expense. Reimbursement of participant expenses may not exceed \$30 per month per participant.

10007.2 Dependent Care Reimbursement

Dependent Care reimbursement can be authorized when a Food Stamp Employment and Training participant needs dependent care to participate in an E&T component or employment.

Dependent Care expenses are determined by the approved Purchase of Care program fee scale.

DSS provides dependent care services through licensed and exempt facilities. The types of care provided include: full-time care, before/after school care, and extended child care in either a family/group home or child care center.

Offer the participant an option of using a child care facility with a contract with DSS or any other licensed or exempt facility a registrant might choose. Monthly Child care providers submit monthly attendance reports to the Division of Management Services, Payment Section. The Payment Section enters the attendance data in the Child

Care Management Information System which makes payment to providers based on attendance and the prescribed Food Stamp Employment and Training dependent care formula.

Dependent Care can be authorized to a voluntary participant.

Example:

An 18 year old High School graduate with a 3 year old child can volunteer for the E&T program and receive child care for either work hours or school hours.

10007.3 Supportive Services Reimbursements

All Supportive Services reimbursements/payments must be actual costs that are necessary for Employment and Training participation or obtaining employment. They must be verified and documented.

Supportive Services reimbursements /payments can be provided under the following categories:

A. Fees

These services can include licenses such as Commercial Drivers License and Nurses licenses, testing for employment or education (this includes GED test fees), or other fees directly related to training or employment.

Monetary Limit of Service / Expense: Verified actual cost up to \$200.00 per individual, per month as determined by need.

B. Clothing

These services can include clothes that are appropriate for interviewing or the first few days of employment.

Monetary Limit of Service / Expense: Verified actual cost up to \$150.00 per individual. This is a one time only service.

C. Accessories for Work or Training

These services can include purchase of safety equipment, uniforms, shoes, or tools required to participate in training or work. The need in some cases can be verified by Office of Safety and Health Administration (OSHA) regulations.

Monetary Limit of Service / Expense: Verified actual cost up to \$150.00 per individual, per month as determined by need.

D. Physical Exam

This service can be authorized when a participant is required to undergo a physical exam to participate in training or accept employment and such exam is not available through a public health facility or covered by Medicaid.

Monetary Limit of Service / Expense: Verified actual cost up to \$100.00 per individual, per month as determined by need.

E. Dental Services

This service is only necessary when a participant's dental condition poses a significant barrier to employment.

Monetary Limit of Service / Expense: Verified actual cost up to \$400.00 per individual, per month as determined by need.

F. Eye exams and eyeglasses

When the assessment indicates the participant's vision is impaired, or when the individual needs glasses to continue in a component or job. This does not include contact lenses unless they are medically necessary.

Monetary Limit of Service / Expense: Verified actual cost up to \$200.00 per individual, per month as determined by need.

8 DE Reg. 1618 (5/1/05)