Work Participation – Federal Review Process	Policy: 203
Approved: ***Signature On File***	Date: 1-10-05 (R12/13)

PURPOSE

This policy documents the process Orange County uses to report its county-specific work participation rate (WPR) data to the California Department of Social Services (CDSS). This data is reported by CDSS to the Administration for Children and Families (ACF), and used to calculate California's federal Temporary Assistance to Needy Families (TANF) work participation rate. California counties that fail to meet federal work participation requirements will share any penalties imposed upon the state for failure to achieve the outcomes required by federal law.

PROCESS

Each month two samples, All Families and Two-Parent, are drawn in two phases. The primary sample is drawn on or about the 26th of the month prior to the review month. A supplemental sample is drawn on or about the 26th of the month following the review month. The primary and corresponding supplemental sample for each month are combined in order to produce a complete list, which is representative of the county's TANF population. The sample lists are transmitted to Family Self-Sufficiency (FSS) Program by CDSS via two web-based tools, the Enterprise II Lite (E2Lite) and Research and Development Project (RADEP) systems. E2Lite and RADEP sample lists are combined to obtain the county-specific WPR. Access to E2Lite and RADEP is determined by pre-established security profiles and is available only to designated FSS Program staff.
Refer to Welfare-To-Work (WTW) Work Participation Case Reviews – Program Staff Responsibilities (Appendix 1) for additional information.

REQUIRED HOURS OF PARTICIPATION

To meet federal Welfare-To-Work (WTW) program requirements, on a monthly basis:
• Single parent with a child under 6 years of age must participate an average of 20 hours per week, all of which must be core WTW activities,
• Single parent with no child under six in must participate an average of 30 hours per week, with at least 20 hours per week spent in core WTW activities,
• Two-parent family must participate an average of 35 hours per week, with at least 30 hours per week spent in core WTW activities. To meet the Two-Parent requirement adults may share participation hours. To meet the All- Family Requirement, they may not share participation hours.
For additional information on activities, refer to Policy 202 – Work Participation Hours.

WORK-ELIGIBLE INDIVIDUALS

For a case to be included in the calculation of the federal work participation rate the AU must contain at least one work-eligible individual. A work-eligible individual is defined as:
• An adult or minor child head-of-household, receiving assistance under TANF, or a separate State program, or a non-recipient parent living with an aided child.
• Parents not aided due to WTW or child support sanctions, and timed-out individuals are considered to be work-eligible, and are included in the work participation rate calculation.
The following individuals are not considered work-eligible, and are therefore not included in the rate calculation:
• Minor parent and not the head-of-household;
• Non-Citizen who is ineligible to assistance due to immigration status;
• On a case-by-case basis, SSI or SSDI recipients;
- Applicants of SSI or SSDI may be retroactively determined to be not work-eligible upon approval of the SSI/ SSDI application. Participation data must be resubmitted to CDSS to change the individual's work-eligible status.
• Parents providing care for a disabled family member living in the home;
• "Family member" is defined as a relative who is within the fifth degree of kinship to the aided child.
• Medical documentation must be on file which supports the need for the parent to remain in the home to care for the disabled family member.

OCSSA

SINGLE- PARENT DISREGARDS

A single custodial parent with a child under 12 months old may be disregarded from the rate calculation if he/she does not meet participation requirements. This is a cumulative lifetime limit of 12 months for any single parent. For data reporting purposes, a single custodial parent is the parent of a minor child living in the household (aided or unaided) and the only parent and/or minor child head of household living in the home.
The Work Participation Disregard Worksheet (Attachment 1) is used to calculate the 12-month cumulative lifetime limit.

SANCTION DISREGARDS

A family in which all adults have been sanctioned less than three months in the previous 12-month period may be disregarded from the rate calculation.

DOCUMENTATION AND VERIFICATION OF WORK PARTICIPATION AND SATISFACORY PROGRESS

Regular and timely communication between the Case Manager (CM), Ongoing Services Worker (OSW), partner agencies, and service providers is essential to ensure that the participant is fully engaged and receiving all appropriate services, and that the case record and CalWIN accurately reflect the individual's WTW activity and participation hours. Refer to Policy 201.2 – Monthly Contacts.
Federal regulations require reporting and verification of actual hours of participation in work activities. If information necessary to verify actual hours is not in the case the county must obtain documentation from the participant, or assist the participant in obtaining the information.
The following form letters may be used to assist in obtaining documentation from the client, employer, or activity provider:
• F063-41-339 (6-13) WP School Attendance (Attachment 2)
• F063-41-342 (6-13) WP Employer Cover Letter (Attachment 3)
• F063-41-340 (6-13) WP Client Release (Attachment 4)
• F063-41-341 (6-13) WP Self-Employment (Attachment 5)
Collateral contacts with other counties and/or states may be necessary to ensure that participation in time-limited activities has not been exceeded, or that an adult has not exhausted his or her 12-month lifetime limit on being disregarded from the rate calculation.
Participation hours must be monitored and verified monthly by the service provider and county staff. Documentation of all allowed hours must be retained in the case file.
Actual hours of participation may be verified using information gathered during the SAR7 and AR process, time sheets, collateral contacts, and/or attendance records. Verification of any income and date of receipt must be included with the SAR7 and AR.
Documentation of participation hours in unpaid activities includes, but is not limited to, attendance/progress reports, job contact logs, collateral contacts, report cards, and other welfare-to-work records.
Third-party sources of information may also be utilized including, but not limited to, the Income and Eligibility Verification System (IEVS) and the National Directory of New Hires (NDNH).
Satisfactory Progress:
In addition to monthly documentation of participation hours, quarterly documentation of satisfactory progress is also required for individuals participating in Education Directly Related to Employment or Satisfactory School Attendance. Documentation of satisfactory progress includes, but is not limited to, report cards, attendance records, and completion timeframes under the standards of the institution or program.

DRAFT

PROJECTING PARTICIPATION HOURS

The projection of hours for Annual Reporting (AR) cases are limited to a six month projection period similar to the SAR projection process below.

Hours in employment activities are projected for up to six months based on current, documented, actual hours. This information may be obtained using sources such as the current SAR7, pay stubs, and/or attendance records. Hours will be projected for up to six months.

Example:

The SAR7 for the report month of February is submitted to the county in March. The February SAR7 is used to determine eligibility for April-September six-month period. If employment hours are reported for the February sample month, the hours reported on the February SAR 7 may be used for or projected for cases that come up for review in April-September. The hours may not be used or projected for case reviews in March or any month after September.

If an individual starts a job after the last SAR7 information has been reported for the family, only two consecutive weeks of hours of participation may be used, even if the hours of participation cross months. If the county has more than two consecutive weeks of hours for new employment, additional reporting may be required to ensure all the actual hours worked for the month have been reported, documented and verified. If the county has actual hours of participation for the report month, no projection is necessary.

Example:

Paystubs verifying hours of participation are submitted to the county in March. The most recent pay stub reflects hours of participation for two consecutive weeks of pay (50 hours); one week in February (24 hours), and one week in March (26 hours). These hours may be used to project hours for the month of March (the sample month) as well as the April-September six-month period if no additional hourly information is available. The actual hours for the two consecutive weeks (50 hours) are multiplied by 2.17 and the product is divided by 4.33 to determine the average weekly hours of employment for the month.

PARTICIPATION FOR PARTIAL MONTHS OF AID (NEW APPLICATIONS)

The month in which assistance is received is the first month the case is counted in the work participation rate calculation.

New applicant cases, in which assistance is granted retroactively, are excluded from the participation rate calculation even though they are included in the sample.

If a family receives assistance for part of a month, the work-eligible adult(s) must be in an activity for the minimum average number of hours in each full week that the family receives assistance in that month to be counted as meeting the participation requirement.

Example:

A family applies for assistance on March 25th. Benefits for March and April are issued on April 14th. The case is excluded from the rate calculation for March because no benefits were received in that month. The case must be included in the April calculation because benefits were issued in April.

PARTIAL PARTICIPATION FOR A FULL MONTH OF AID AND CHANGE IN CIRCUMSTANCE

If a family is aided for the entire month but the adult only participates in WTW activities for part of the month, the average weekly hours are computed by dividing the total number of hours of participation in the month by 4.33.

If the participant's status changes during the review month from work-eligible to non work-eligible or vice versa, the participant is considered work-eligible for the review month.

To meet participation requirements during the month, the individual must have participated in his/her WTW activity for the minimum average hours in each full week that he/she was work-eligible.

CDSSA

HOLIDAYS AND EXCUSED ABSENCES

Excused absences are specific situations in unpaid work activities, when scheduled hours can be reported as actual hours even though the individual did not participate. Excused absences can be allowed for semester breaks, school appointments, medical appointments (for parent and child), court appointments, caseworker appointments, job interviews, breakdown in transportation and/or child care arrangements, and other similar situations.

In addition, the following state holidays are allowed as excused absences:

1. New Year's Day,
2. Martin Luther King, Jr. Day,
3. President's Day (Washington's Birthday),
4. Memorial Day,
5. Independence Day,
6. Labor Day,
7. Veteran's Day,
8. Thanksgiving Day,
9. Day after Thanksgiving, and
10. Christmas Day

Excluding the ten allowable state holidays, excused absences are limited to 80 hours in any 12-month period, with no more than 16 hours occurring in any single month during the preceding 12-month period. The individual must have been scheduled to participate in the activity on the day his or her attendance was excused, and only the scheduled hours can be counted as excused absence hours. The reason the absence was excused and documentation of the absence must be maintained in the case file.

The TANF Time-Limited Activities and Holiday/Excused Absence Tracking Worksheet (Attachment 6) is used to track holidays and excused absences.

CAL-LEARN

Cal-Learn participants who are married 18-year old parents, 18-year old heads of household, and 19-year old parents without a high school diploma or GED and who are attending secondary school or its equivalent full-time (as defined by the school), are included in the work participation calculation.

In order to count as hours of participation, these individuals must make good or satisfactory progress. The county must monitor satisfactory progress monthly, and maintain documentation in the case file. If there is reason to believe the teen is not attending school or making satisfactory progress, the case worker can require that verification be provided more often, as necessary.

If the participant is not making good or satisfactory progress but is regularly attending any hours during the review month, the first two months of participation that did not meet satisfactory progress criteria can be counted toward the work participation rate.

Actual participation hours must reported and if the calculated number is insufficient to meet the weekly requirement of 20 core hours, the state will deem 20 core hours in the calculation of the county's rate.

Note: Unmarried 18-year old parents who are not heads of household are excluded from the federal participation rate because they are considered to be children.

FAIR LABOR STANDARDS ACT (FLSA) DEEMING

The Fair Labor Standards Act (FLSA) contains regulations that affect the number of hours a WTW participant may be assigned to unpaid Work Experience. The CM will perform a minimum-wage based calculation to determine the maximum number of hours an individual may be assigned to either of these two activities. Refer to Policy 227.2 – "Fair Labor Standards Act (FLSA) Minimum Wage Requirements in Unpaid WTW Activities" for calculation instructions and Policy 289 - Experience Provides the Resources for Tomorrow (EXPRT) for additional information.

Actual participation hours must be reported. If the calculated number is insufficient to meet the weekly requirement of 20 or 30 core hours, and if the individual is completing the required hours, the state will deem 20 or 30 core hours in the calculation of the county's rate.

Example: Based on the FLSA computation, the maximum number of hours an individual can participate in unpaid Work Experience is 15 hours each week.

- If 15 hours per week are completed, the state deems 20 core hours.
- If 10 hours per week are completed, the state deems 0 hours; the participant receives credit for 10 hours per week.

Note: If hours assigned to unpaid Work Experience are less than the weekly requirement, the individual must participate in additional WTW activities to meet his or her work participation requirement.

DCSSA

COUNTING PARTICIPATION HOURS UNDER JOB SEARCH AND JOB READINESS ASSISSTANCE

Job Search and Job Readiness Assistance (JSR) programs provide individuals with training necessary to seek and retain employment. Activities that can be counted as participation in JSR include, but are not limited to:

• Substance abuse and mental health treatment, and other rehabilitation activities;
• Domestic abuse services that address barriers to employment;
• Orientation, Appraisal and Assessment;
• Online tasks such as job searching, job applications, and resume preparation.

Participation in JSR activities is limited to no more than four consecutive weeks, and up to six weeks total, in the preceding 12-month period. A week begins on Monday and ends on Sunday.

For purposes of the four-week limit:

• Reporting any hours in the week uses one week of participation;
• Once each year, three or four days of JSR can be counted as a full week of participation based on average hours of participation during the three or four days. This provision cannot be used for any individual more than once in the preceding 12-month period.

Note: Up to 12 weeks of participation in JSR can be counted when the state qualifies as a "needy" state. The four-consecutive-week provision still applies.

The six- (or twelve-week) limit is converted to hours based on the individual's federal work requirement – 120 (or 240) hours for a single custodial parent with a child under six , and 180 (or 360) hours for all other families, including two-parent cases.

• Actual participation hours are deducted until the six-week 120/180-hour (or twelve-week 240/360 hour) limit is reached, including hours counted under the "three- or four-day" provision noted above
• The six- (or twelve) week limit applies to the preceding 12-month period. This is defined as the current review month and the eleven previous months
• After four consecutive weeks, there must be a break of at least seven consecutive days before additional JSR hours can be counted. Hours in every fifth consecutive week of JSR are deducted from the six- (or twelve) week limit, but they do not count toward the participation rate.

In a Two-Parent family the four and six- (or twelve) week limits apply to each individual separately and cannot be combined to extend JSR time for one of the parents.

Barrier Removal Activities and Behavioral Health Services:

Under certain circumstances, portions of Domestic Abuse Services (DASU), Substance Abuse Services (SAS), Mental Health Services (MHS) and other rehabilitative activities that meet the definition of another work activity can be counted toward participation hours in that activity, and the actual treatment hours counted in JSR. Participation must be clearly documented in the case file.

Example:

If a SAS treatment program includes work responsibilities (preparing meals, house cleaning), those hours can be counted as Work Experience. The remaining hours are counted as JSR.

Time spent in barrier-removal activities must be documented in the WTW plan. The need for SAS, MHS, or other rehabilitation activities must be certified by a medical/mental health professional and documented in the WTW plan. Treatment/rehab hours counted as another activity must be separately documented in the case file.

Educational Activities:

Programs leading to a baccalaureate or advanced degree can be counted as Vocational Education Training, which is a federal core activity. Participation in Vocational Education Training has a lifetime limit of 12-months. Participation beyond 12 months can be counted as Job Skills Directly Related to Employment or Education Directly Related to Employment after required core hours have been met in other activities.

• Educational activities can be completed as part of distance learning. Participation hours are allowed only when the time can be monitored and verified by the service provider.
• Actual hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time can be counted. A statement from the educational program indicating the amount of homework required must be included in the case file. Homework time can be documented by a time sheet or record of participation hours signed by the individual verifying the activity. The documentation must include the participant's name, the name of the employer, work site supervisor, or other service provider, the number of hours, and the name and phone number of the person verifying the hours.
• Educational activities must be supervised daily by a worksite sponsor, classroom instructor, contracted service provider, etc. Supervision does not need to be in-person contact with the participant, but can be by telephone or electronic methods as appropriate.

The TANF Time-Limited Activities and Holiday/Excused Absence Tracking Worksheet (Attachment 6) is used to track time in JSR.

OCSSA

WORK PARTICIPATION STATISTICS

Work participation statistics are posted monthly in the FSS Portal for staff to view. The stats provide detailed information on the review conducted for each case contained in the TANF sample. Refer to the portal link below to access the statistics.
Portal Link:
http://netapp/portal/Default.aspx?pId=1&tId=13

REFERENCES

ACL 13-14 County Temporary Assistance For Needy Families (TANF) Program Work Participation Rate Data Reporting For Federal Fiscal Year (FFY) 2013

ACL 09-07 California's Temporary Assistance For Needy Families (TANF) Work Verification Plan (WVP) Effective October 1, 2008

EAS 82-808.111 Caretaker Relative Requirements – Biological Relatives

ATTACHMENTS

1. F063-41-343 (6-13) WP Disregard Worksheet
2. F063-41-339 (6-13) WP School Attendance
3. F063-41-342 (6-13) WP Employer Cover Letter
4. F063-41-340 (6-13) WP Client Release
5. F063-41-341 (6-13) WP Self-Employment
6. TANF Time Limited Activities and Holiday/Excused Absence Worksheet (09-09)

APPENDIX

Welfare-To-Work (WTW) Work Participation Case Reviews – Program Staff Responsibilities

OCSSA