



Department of Human Resources
 311 West Saratoga Street
 Baltimore MD 21201

FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
 FAMILY INVESTMENT SUPERVISOR AND ELIGIBILITY STAFF**

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

RE: WORK ACTIVITIES

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE

ORIGINATING OFFICE: OFFICE OF PROGRAMS

BACKGROUND:

Local department staff has requested updated information on federal core and federal non-core work activities and state defined activities. This action transmittal provides details on the description of the work activities, and the appropriate coding for entering data on both CARES and WORKS 2.0.

This action transmittal also provides an introduction to MD RISE (Reaching Independence and Stability through Employment). RISE is a new statewide initiative that combines the skills, abilities and resources of various state agencies to assist Maryland's residents to achieve success in the work place. RISE's strategy is to quickly move TCA recipients, non-custodial parents of TCA children and foster teens leaving the foster care system into family sustaining, green and targeted sector career opportunities. To succeed, TCA customers will be assessed and placed into appropriate job training, career education, and work experience opportunities. Once equipped with the needed skills, they will be placed with employers in jobs with a future. The ultimate goal is for their careers to provide them with a family sustaining income that will permit them to be independent of government supports. To achieve this, DHR and local departments will enhance their partnerships with the Maryland Department of Labor, Licensing and Regulation (DLLR) and the Department of Business and Economic Development (DBED); the Governor's Workforce Investment Board (GWIB), the State's Community College system and local workforce investment boards (WIBs).

Current economic conditions are forcing the agency to confront the challenges of increased unemployment and the changing workforce. Throughout Maryland, local department staff are seeing the changing demographics of customers applying for assistance. Some customers with lengthy employment histories and with skills specific to a job or industry need to acquire new skills. Other challenges compel customers to be retrained in other fields. MD RISE will help customers obtain the skills needed to

become employed and remain competitive in the workplace. A goal of MD RISE is that each customer obtains employment at a minimum of \$10 or more per hour.

SUMMARY OF POLICY:

Work Mandatory or Work-Eligible are adults or minors who are the heads of households receiving TCA, who are not otherwise exempt.

People Who are Exempt Include:

- a needy caretaker relative with no children of their own on the TCA case,
- a single parent with a child under age one (for a maximum of 12 months in the parent's lifetime),
- a disabled adult receiving SSI or other federal disability benefit,
- a parent with documentation of a long term disability 12 months or longer and has applied for SSI,
- a parent with medical documentation that the parent is needed in the home to care for a disabled person living in the home,
- a non-citizen parent of citizen children who is ineligible to receive TCA because of immigration status,
- a child under age 16, a teen who is enrolled in and attending high school or its equivalent, and
- a 19 year old in school expected to graduate before the end of the year in which the child turns 19, who is included as a child on a TCA case.

Excused Absences: Work eligible individuals may use up to 16 hours per month and not more than 80 hours per year as excused absences. Enter and count the actual hours used in WORKS. Excused absences may only be counted when the customer was scheduled to work at the time of the absence.

Ten Allowable Holidays: New Year's Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the Friday after Thanksgiving now known as American Indian Heritage Day (counts as one holiday), and Christmas Day.

Services for the Disabled: Services and work activities must be available for disabled customers. These include work activities for customers who want to participate in an activity. Local departments must make accommodations for disabled individuals that include but are not limited to: qualified interpreters, assistive listening headsets, television captioning, telecommunication devices for the deaf (TTD), video text displays, readers tapes, Braille and large print materials. Referrals to the Division of Rehabilitative Services (DORS) may be appropriate.

Work Activities: The work activities listed in the chart below are specific requirements of the federal Temporary Assistance for Needy Families (TANF) program. Some work activities can be categorized under more than one activity. Show creativity by placing customers in a variety of activities as their skills, education, interests, and abilities differ. Self-initiated activities should be considered if it meets the needs of the customer and the requirements of the local department.

“J” CODED Work Activities and Needy State Status:

An individual’s participation in a job search and job readiness activity can count for a maximum of 120 hours (for a recipient with a child under age 6) or 180 hours (for all other work mandatory recipients) in a fiscal year with no more than four consecutive weeks being countable. In two instances this can be extended:

- if a State has an unemployment rate at least 50 percent greater than the unemployment rate of the United States, or
- if the State meets the definition of a “needy State” under the Contingency Fund provisions of the federal law.

A State qualifies as a “needy State,” based on its unemployment rate or on increases in its Food Supplement Program caseload. Maryland qualifies as a “Needy State” because of the increase in the Food Supplement Program caseload.

TCA customers whose work activity falls under one of the “J” codes (JBM-Mental health Treatment, JBR-Rehabilitation Services, JBS-Job search and Job Readiness or JBT-Substance Abuse Treatment) may have their countable hours of participation extended from 120 hours to 240 hours for an individual with a child under age 6 and from 180 to 360 hours for all others.

For two parent households, with both parents able-bodied, the countable hours under “needy state status” increase from 210 to 420 hours. The four consecutive week limit still applies.

The four consecutive week limitation still applies:

Examples: Week starts on Monday.

Customer A

June is a five week month.

1. Customer participates in a “J” coded activity for 30 hours per week for the weeks of: June 1, June 8, June 15, June 22 and June 29. The week of June 29 is the 5th week and the customer is not countable for that week because she has used 4 consecutive weeks.
2. Customer participates in a “J” coded activity for 30 hours per week for the weeks of June 1, June 8, June 15 and June 22. She does not participate in a “J” coded activity for the week of June 29. She does participate in a WEX activity for the week of June 29. The customer is countable in all 5 weeks.

July is a four week month.

The week of July 6, the customer goes back into her “J” coded activity for 30 hours per week. She participates 30 hours per week for the weeks of July 6, July 13 and 20. The week of July 27, the customer participates in a community service (WEM) activity for 30 hours per week. She is countable in all four weeks, but has only 3 consecutive weeks of “J” code activity.

Exhausting countable hours

The customer has been in her "J" code activity for 8 weeks (240 hours 30 hrs per week x 8 weeks). It is determined that she needs additional time in the "J" code activity. In August, the customer participates 30 hours per week for the weeks of August 3, August 10, August 17, and August 24. She exhausts her 360 hours of countable "J" code activity. It is determined she needs one more week of "J" code activity to be work ready. The week of August 31, the customer participates for 30 hours. She has exceeded the allowable 360 hours and is not countable. However, it is in the customer's best interest that she continues in the "J" code activity regardless of whether she is countable.

Customer B

Customer is in a "J" code activity 20 hours per week (child under age 6) one week per month. She participates in a community service activity the other weeks. The customer can participate and be countable for a total of 240 hours in a 12 month period. She has no consecutive weeks of "J" code activity.

Customer C

June is a five week month. June 1, June 8, June 15, June 22 and June 29. Customer is in a "J" code activity for 8 hours per week, 12 hours of WEX and 10 hours of BER. The week of June 29 is the 5th week and the customer is not countable because she used 4 consecutive weeks of her "J" coded activity. Any hours used are countable against the 4 consecutive week limit, but they are not subtracted from the customer's annual amount because the end of month routine (EMR) flips them to an "O" code.

July is a four week month and the customer is countable because the EMR flipped the June weeks to "O" codes.

Action Due: Upon receipt.

Inquiries:

Please direct TCA policy questions to Marilyn Lorenzo, TCA Program Manager, at 410-767-7333 or mlorenzo@dhr.state.md.us or to Gretchen Simpson, TCA Lead Program Analyst, at 410-767-7937 or gsimpson@dhr.state.md.us.

cc: DHR Executive Staff
Policy and Training Staff
DHR Help Desk

FIA Management Staff
Constituent Services

WORK ACTIVITIES INFORMATION GUIDE

ACTIVITY	DESCRIPTION	WORKS ID	CARES
Unsubsidized Employment	The customer obtains full or part time employment and earns wages that are not subsidized by TCA or any other public program.	WEJ	ERN1 – Employer’s name and address
			ERN2 – Earnings
			CARE – Child care expenses
Paid Internships and Apprenticeships (formerly Subsidized Private Sector Employment and Subsidized Public Sector Employment)	The employer receives TCA funds to help offset some or all of the customer’s earnings or the cost of employing the person. The program encourages the employers to provide employment skills and training. Internships and apprenticeships in targeted sector skills training leading to employment are also covered.	WSU WSP	ERN1 – Employer’s name and address and Federal ID number
			ERN2 – Earnings, Federal ID number
			CARE – Child care expenses
Work Experience	The participant gains general skills, training, knowledge, and develops work habits necessary to obtain employment. The participant does not receive wages or compensation for participating in the activity. The participant is considered an employee under the Fair Labor Standards Act (FLSA) and must receive the equivalent of the federal minimum wage per hour through the receipt of TCA and Food Supplement (FS) benefits. Hours of participation may not exceed the combined total of the TCA and FS divided by the minimum wage. WEX positions can be developed at any site where the employer is willing to engage the participant in obtaining marketable skills and experience.	WEX	No special CARES coding

ACTIVITY	DESCRIPTION	WORKS ID	CARES
Community Service (WEM)	Community service is an activity for participants who need to increase their employability by improving interpersonal skills, job retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. The State definition of WEM activities includes participation in structured programs that provide a direct benefit to the community under the auspices of a public or private entity. This includes programs in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. WEM programs must be designed to improve the customer's employability. FLSA also applies to WEM.	WEM	No special CARES coding
On-the-Job Training	Training in the public or private sector given to a <u>paid</u> employee engaged in productive work. The training provides the participant with knowledge and skills essential to adequate job performance.	OJT	ERN1 – Employer's name and address and Federal ID number ERN2 – Earnings, Federal ID number No special CARES coding

ACTIVITY	DESCRIPTION	WORKS ID	CARES
<p>Job Search and Job Readiness</p>	<ul style="list-style-type: none"> ● Seeking or obtaining employment, employment preparation, life skills, substance abuse treatment and mental health treatment and rehabilitative programs. ● The participation hours for customers in substance abuse, mental health or rehab services activities that participate in work as part of their treatment can have the hours counted as part of their WEX hours. ● Activities in this category are time limited to 120 hours (for individuals with a child under age 6) or 180 hours for all other participants. No more than 4 consecutive weeks are countable per year. (See “J” CODES on page 3) ● 2-parent households are limited to 210 hours (See”J CODES” on page 3) ● When customers’ “J” code hours are not needed to make them countable, the EMR flips the “J” code to an “O” code. <p>Because of the associated time limits consider the following:</p> <ul style="list-style-type: none"> ● Customers in a WSP, WSU, or WEJ activity that includes treatment or rehabilitative services can have their participation counted under that category and it is not time limited. 	<p>JBS/OBS</p>	<p>No special CARES coding</p>
<ul style="list-style-type: none"> ● Substance abuse referral/waiting list 	<p>(Part of job search and job readiness)</p>	<p>OTS</p>	<p>None</p>
<ul style="list-style-type: none"> ● Substance Abuse Treatment 	<p>(Part of job search and job readiness)</p>	<p>JBT/OBM</p>	<p>When a customer is affected by SATS, the hospital field on the DEM1 screen must be coded with the appropriate “SA” code.</p>

ACTIVITY	DESCRIPTION	WORKS ID	CARES
<ul style="list-style-type: none"> • Mental Health Treatment 	(Part of job search and job readiness)	JBM	None
<ul style="list-style-type: none"> • Rehabilitation Services 	(Part of job search and job readiness)	JBR	None
Vocational Educational Training	<ul style="list-style-type: none"> • Includes organized, educational programs directly related to current or emerging occupations, trades, or vocations. • Training must be provided by an educational organization (e.g. Vocational-Technical School, college, community college, or proprietary school) • Programs are limited to activities providing the knowledge and skills to perform a specific trade, occupation or vocation. • Includes participation in a baccalaureate or advanced degree program. • In cases where the participant is participating in a distance learning program, via Internet or video conferencing, the Department will only accept documentation issued by the distance learning institution or service provider verifying that the student logged in to the sessions. • Verification may include the attendance records or log-in and log-out records available on-line or in an electronic format, and must include the actual hours spent logged in to the distance learning activity. • Hours spent in basic and remedial education, as well as English as a Second Language (ESL) education will not count as BEV unless the following conditions are met: <ul style="list-style-type: none"> ▪ The results of an individual's initial assessment are used to determine the need for basic and remedial education and ESL. 	BEV/ OEV	No special CARES coding

ACTIVITY	DESCRIPTION	WORKS ID	CARES
Vocational Educational Training (continued)	<ul style="list-style-type: none"> ▪ The basic, remedial or ESL education must be embedded in an activity that meets the definition of BEV in TANF regulations, ▪ It must be clearly stated in either the LDSS FIP plan, vendor contract or participant independence plan that basic, remedial or ESL are needed to meet the goals of the BEV program, and ▪ There must be an explicit statement of the number of hours per week and the number of weeks duration of the basic, remedial or ESL component embedded in a BEV activity. This ensures and verifies that the ESL component is actually a part of the BEV program and not a stand-alone ESL program. • When customers' BEV hours are not needed to make them countable, the EMR flips the BEV code to the OEV code. 	BEV/ OEV	No special CARES coding
Providing child care for an individual who is participating in a community service activity	Unpaid activity that is structured to improve the employability of the individual providing the service.	WEC	No special CARES coding
Satisfactory attendance at a secondary school or in a GED program	A minor or teen parent with regular attendance that meets the requirements of the school by the work eligible individual who has not completed secondary school or received a diploma, GED, or the equivalent.	BED	ALAS screen, grade and year of graduation
Education Directly Related to Employment	Recipients who do not have a high school diploma or GED-education related to a specific job or occupation or job offer.	BER	No special CARES coding
Job Skills Training Directly Related to Employment	Training or education required by an employer to provide an individual with the ability to obtain employment or adapt to the changing workplace.	IST	No special CARES coding

ACTIVITY	DESCRIPTION	WORKS ID	CARES
Prenatal/12 week postpartum	<ul style="list-style-type: none"> • Pregnancy is not a disability and does not exempt a customer from participating in a work activity unless her doctor states she can not participate. • Exemption allowed for the first 12 weeks immediately following a baby's birth. No limit on the number of times this exemption may be used. 	OTP	DEM1 EDC date, # of babies <u>expected</u> WORK -CK
Child Under 1	Exemption that may be used for up to 12 months following the baby's birth or the baby's first birthday which ever comes first. May only be used for a maximum of 12 months in the parent's lifetime.	OTB	WORK – NO CK
Disabled for more than 12 months	Recipients disabled 12 months or longer are exempt. Must provide a 402 B and a 402 W verifying the disability exceeds 12 months or will end in the customer's death. The customer must apply for SSI and sign the DHR/FIA 340 Reimbursement Form	OTD	DEM2 begin & end date of disability, IAR date, UINC pending SSI WORK 'NO' 'DB'
Illness or incapacity/wellness rehabilitation for less than 12 months	Recipients who are disabled less than 12 months may have good cause for non-cooperation with a federal work activity but must be active in a State defined activity usually wellness rehabilitation	OTM	WORK -IL- <u>DEM2 begin & end date of disability</u>
Court ordered appearance	Customer is required to attend court as a witness or defendant. Good cause.	OTO	None
Temporary incarceration	Customer has good cause for missing an appointment because of being in jail.	OTJ	None
Family crisis/family services	Individual or the family is in crisis that maybe a new crisis they are trying to resolve, example: eviction, homeless, school issues with child or the family is in counseling to resolve a crisis.	OTF	None

ACTIVITY	DESCRIPTION	WORKS ID	CARES
Breakdown in transportation/seeking transportation	FIP is updated to indicate the good cause for a maximum of 30 days to allow customer to locate transportation. Customer can not continue to use transportation as a good cause after the 30 days and the case is closed for not cooperating with the FIP if the customer fails to cooperate with the work activity.	OTT	None
Breakdown in childcare/seeking childcare	FIP is updated to indicate the good cause for a maximum of 30 days to allow customer to locate appropriate child care. Customer can not continue to use child care as a good cause after the 30 days and the case is closed for not cooperating with the FIP if the customer fails to cooperate with the work activity.	OTZ	None
Pursuit of Income Supports	Customer is placed in this code when they need to take care of situations that deal with any of a wide range of support services. These may include appointments with a housing authority, TANF and food supplement redets, etc.	OTL	No specific coding
Caring for a Disabled Household Member	A parent with medical documentation that he or she is needed in the home to care for a disabled person living in the home: The disabled person does not have to receive assistance as part of the TCA.	OTG	STAT- The disabled person must be listed on the STAT screen. If the disabled individual is ineligible to be in the TCA household, code him/her as NM on the STAT screen WORK Screen NO
Domestic /family violence	Families who are or were victims of physical, sexual or emotional abuse may have good cause for non-cooperation with TCA requirements including work activities if it is in the best interest of the family. Family should be working with the Agency Family Violence Expert or a counselor or outside Agency.	OTV	Code the DEM2-Y in the Domestic Violence field WORK screen YE DO

ACTIVITY	DESCRIPTION	WORKS ID	CARES
In conciliation	One-time only, 30-day time period allowed prior to sanctioning to determine why the customer is not complying with work requirements	OTC	None
Adverse action or sanction period	The 10 day adverse action period before the TCA closes or is reduced.	OTX	Code STAT screen with the appropriate closing code for a full family sanction. Remove the needs of the individual for an individual sanction.
Under appeal for work sanction	The customer files an appeal with the Office of Administrative Hearings (OAH) in disagreement with the action to reduce or close the TCA	OTU	None- previously closed or reduced benefits are reinstated to full amount pending hearing decision.
Transfers Between Counties	Customer moves from one county to another. Must be seen in the new county to update and sign the Independence Plan and be referred to another activity.	OTQ	ADDR screen must have the new address for an appointment letter to be sent.