



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

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

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

RE: SELF INITIATED WORK ACTIVITIES

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

Recently, the Family Investment Administration has become aware of customers who have found their own work activity and as a result have been denied assistance or penalized for doing so. Customers must cooperate with the local department's requirements for work participation; however, occasionally a customer will find a program that meets his or her needs as well as or better than the LDSS program. This action transmittal provides clarification for working with customers who find their own acceptable work activities and for assisting these customers in their goals towards self-sufficiency.

ACTION REQUIRED:

Local departments should not automatically close or deny a customer who has found his or her own work activity. Even though the local department may have established work activities through specified vendors, customers may find their own work activities if the activity leads to gainful employment or will lead to gainful employment and meets other federally defined work activity requirements. Local departments should work with applicants and recipients as follows:

Applicants:

When an applicant comes into the Local Department of Social Services to apply for assistance, assess the customer's abilities and needs via the local department assessment. When an applicant indicates that he or she is participating in an activity that may qualify as an acceptable work activity, document the activity and review

federal work requirements to determine if the customer meets the 30-hour (or 20 if the individual has a child under 6) federal requirement and **the activity is an acceptable federally defined work activity (FDWA)**. If so, include the activity as part of the Family Independence Plan. Document the number of hours the customer attends and request verification of the activity and the actual hours of attendance. Follow up to make sure the customer completes the activity or obtains gainful employment. If the customer does not meet the requirement for 30 (or 20) hours per week, but the activity is an acceptable FDWA, and then evaluate the activity to see how it can fit with the LDSS program.

Acceptable activities could have a hands-on component or an internship. Evaluate the hands-on component or internship to determine if it is countable as a FDWA activity. Examples include nursing or radiology students working in a hospital or doctor's office and similar scenarios. These activities provide the customer with the practical skills needed to perform a particular job and become self-sufficient. The activities may include, but are not limited to:

- **Apprenticeship programs** that teach the customer specific marketable skills
Examples: hairdresser, plumber, electrician, chef
- **Training programs** that teach the customer specific marketable skills
Examples: Certified Nursing Assistant (CNA), lifeguard, Certified Swimming Pool Operator
- **Specialized programs** such as dental assistant or medical assistant,
- **College programs** such as x-ray technician or nursing

Remember, we want the customer to become self-sufficient and stay off of TCA. Simply because the customer is in school or in an educational or vocational program, or because a program exceeds 12 months, does not mean the customer cannot or should not attend it. Evaluate the program components to determine what FDWA activity matches the customer's activity. If the program meets the requirements to be considered a FDWA, the customer's participation can be countable. When sessions change re-evaluate the components of the program and the customer's activities. The customer may be in an internship or another activity that would be countable as work experience (WEX). Evaluate the customer's everyday activities to determine if there are other activities in which the customer is participating that can be countable. If not, work with the customer to obtain countable hours in another activity that allows the customer to finish his or her self-initiated program.

Note: Always remind customers to report any changes in the household within 10 days from the date of the change.

EXAMPLE:

Mary Brown applied for assistance for herself and 1 child. She is also pregnant with a second child. Ms. Brown is currently participating in Job Corps for 40 hours per week. She receives a small stipend from Job Corps and has no other income. Ms. Brown is a countable participant.

The case manager completes the assessment and records in Ms. Brown's Independence Plan that Ms. Brown will continue her activity until she completes the training. The vendor or case manager advises Ms. Brown that she must verify attendance for her Job Corps training. The case manager processes Ms. Brown's TCA application.

Recipients:

If the case manager referred the customer to a work activity established by the LDSS, and the customer finds a different activity, evaluate the activity to see if it meets federally defined work activity requirements. If the activity meets the FDWA requirements, incorporate it into the Family Independence Plan. Require the customer to verify hours of attendance in writing. The customer must participate in an activity for 30 hours per week (20 hours if the individual has a child under age 6). If the customer's activity does not meet the 20 or 30-hour requirement, assist the customer in finding an additional activity to fulfill the requirement.

If the activity does not meet the FDWA requirements, require the customer to complete a work activity established by the local department. If the customer does not comply follow the conciliation and sanction process.

Our goal is to help families become independent of TCA. Allowing them to participate in an activity that they find may provide the additional encouragement the customer needs to succeed. However, customers may not go from one self-initiated activity to another self-initiated activity repeatedly. When a customer determines that a self-initiated activity is not the appropriate activity for him or her, the customer must meet with the case manager to discuss why the customer wants to change and to determine what the next activity will be. Sometimes there are good cause reasons why a customer must change an activity. Each case must be evaluated on its own merits.

EXAMPLE:

Mr. Joe Smith is applying for assistance for himself and 1 child. His child attends school full time. Mr. Smith last worked in construction 3 years ago, when he fell off of a ladder and permanently injured himself. He can no longer return to that profession because of his injuries. Instead, he would like to go into the shoe repair business.

The case manager refers him to a Work Experience worksite where he does clerical work but Mr. Smith does not like this kind of work. He finds a local shoe shop that needs an apprentice to help out with their busy repair service.

Mr. Smith can work at the shoe shop for 32 hours a week as an apprentice, without pay for 6 months. If the owner of the shop likes his work, he will most likely be hired at the end of the 6-month period. Mr. Smith meets the federal requirement for weekly hours of work participation. The case manager must require Mr. Smith to provide verification from his supervisor of the number of hours they have agreed he will work and his actual weekly hours of attendance on the job.

Three months later, Mr. Smith realizes that although he really likes shoe repair work, the shop does not have much business. Mr. Smith wants to change his activity. He calls the case manager and schedules an appointment to discuss the arrangement with her. Mr. Smith and the case manager discuss the issues and update the FIP. The case manager agrees with Mr. Smith that it is a good skill to know, but there isn't much work available.

Mr. Smith likes to work with his hands and tells the case manager that he would like to go to school to learn computer repair. The course is 12 months long, and he knows he will be able to get a job. He can get a scholarship to pay the tuition. The course is 5 hours per day with 2 hours of hands-on lab work each day. Mr. Smith is countable for the work participation rate (WPR) with 35 hours per week. He is coded BEV in WORKS.

EXAMPLE:

Mr. Tom Jones can't make up his mind what he wants to do. He receives TCA for himself and three children ages 6, 7 and 9. He has changed jobs twice in the past two months. Mr. Jones enrolled in an on-the-job training program with a local fast food restaurant. The case manager agreed that Mr. Jones had a good opportunity. He was in the program 30 hours per week and was paid the minimum wage. Once he completed the program he would be hired as an assistant manager at a good salary.

After a couple of weeks, Mr. Jones decided he did not like the work. He had difficulty following the training program and the hours caused conflict with his children's school work. Mr. Jones talked to the case manager and told her he was leaving the program but that he found another training program that he liked. The National Aquarium was looking for someone to train to work with the sharks and offered him the position. The salary was minimum wage for 30 hours per week, but if he did a good job, there was the chance of advancement. The hours worked with his children's schedule.

Two weeks later Mr. Jones called the case manager and told her he left the job at the Aquarium because he was afraid of the sharks. He said he didn't realize he had to get in the tank with the sharks when he took the job. He told the case manager he already had another program lined up. Mr. Jones said he would like to enroll in a program to learn to be a chef. He could get a loan to pay the tuition. It was a 12-month program. The case manager asked Mr. Jones to come in to the office so they could discuss his options.

Mr. Jones is out of compliance with work requirements. He voluntarily quit his job. Although he has another activity that he wants to go to, he left employment. He needs to obtain employment paying minimum wage or higher for 30 hours per week or possibly be sanctioned.

LOCAL DEPARTMENT COMPLIANCE ISSUES:

Sometimes customers seem to move erratically from one activity to another without accomplishing the goals of employability and independence. Local departments should

work with such customers to find out why they are not making progress towards self-sufficiency. Customers may not move from one activity to the next to avoid being held accountable for non-compliance. However, there is no maximum number of times that a customer can change activities. Evaluate each individual's circumstances. Customers should be in activities that will help them develop the skills and knowledge necessary to support their families.

EXAMPLE:

Ms. Smith developed her own community service activity (WEM) with a neighborhood church that she thought would be interesting and help her develop skills to enable her to get a full time job. After a week Ms. Smith quit. She immediately found another activity at a local hotel in their security department. She left there after two weeks. Now, Ms. Smith wants to register in a nursing assistant program offered by a local assisted living facility.

The case manager discusses with her why she left the other activities. Ms. Smith said the first activity was boring and she wasn't learning anything. The hours at the second activity changed and she couldn't get a bus to get there when she needed to be there. She also decided the work was not for her. Ms. Smith tells the case manager that she has had experience taking care of sick people and she likes doing it. The course is close to her home. It is during the day and the course is 35 hours per week. She would gain skills and the facility could offer her a job when she completed the course. Ms. Smith and the case manager agree that the training would be a good opportunity for her.

If the customer is making progress toward becoming employable and self-sufficient in their current activity, the local department should provide encouragement and other supports that may be needed (uniforms, tools). Be sure to provide complete and adequate narration for the local department's decision concerning a customer's work activity choices.

Some local departments may have contracts with vendors based on pay for performance, and may want to consider adding language in their contracts to require vendors to collect time and attendance on those customers who find their own activities. Payment for any additional responsibilities can be negotiated between the vendor and the local departments.

ACTION DUE: Immediately, upon receipt of this action transmittal.

INQUIRIES: Please direct all TCA inquiries to Marilyn Lorenzo at 410-767-7333, email mlorenzo@dhr.state.md.us or Gretchen Simpson at 410-767-7937, email at gsimpson@dhr.state.md.us.

cc: DHR Executive Staff FIA Management Staff Constituent Services Help Desk