



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

Family Investment Administration  
**ACTION TRANSMITTAL**

Control Number: 09-18

Effective Date: 10/1/08

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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: TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) FINAL  
RULE UPDATES**

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE**

**ORIGINATING OFFICE: OFFICE OF PROGRAMS**

**SUMMARY:**

The Deficit Reduction Act of 2005 (DRA), reauthorized Temporary Assistance to Needy Families (TANF) and changed work requirements for states. The U.S. Health and Human Services, Administration for Families and Children (ACF) implemented the law with a comment period to allow states to request changes which might be beneficial in helping them meet their work participation rates. The Final Rule which was effective October 1, 2008, provides for the full implementation of TANF under the Deficit Reduction Act of 2005. This action transmittal explains the requirements issued by ACF.

**ACTION REQUIRED:**

There are new requirements or clarifications under the Final Rule which affect our Temporary Cash Assistance (TCA) work program. Incorporate the following changes when working with customers and the work program requirements:

1. **Clarification of Excused Absence hours:** Until October 1, 2008, we counted as excused absences up to 10 days in a federal fiscal year (FFY) for holidays (determined by the state) and 10 days or instances per year for excused absences, i.e. sickness, appointments. A maximum of 2 days or instances per month can be used for excused absences.

Effective October 1, 2008, days may be converted to hours. The 10 days of excused absences converts to 80 hours per year, no more than 16 hours per month. One work day = 8 hours.

Example: Ms. Cat has 3 school age children and receives TCA. Ms. Cat is participating in a work experience activity full time. In the second week of August Ms. Cat takes time off to get her children ready for school. On Wednesday she takes 4 hours off to take the children to get their health check ups and immunizations updated. On Thursday she takes 3 hours off to get her oldest child registered in a new school. Ms. Cat has used 7 hours of excused absences and for the month of August she may use a maximum of 9 more hours if she needs to.

2. **Daily Supervision:** The term daily supervision was unclear, especially for activities concerning job search and job readiness.

The final rule clarifies daily supervision to mean that a responsible party oversees and monitors an individual's participation in the activity and has contact with the person, although it need not be a daily, in person contact. The contact can be by phone or electronic means. The goal is to ensure that the person is participating in the activity and is making good progress.

Example: Ms. Ruby has a Community Service assignment with Meals on Wheels. The schedule for pick and delivery of meals varies, and many days she is at the site by herself getting meals ready to go and then delivering them. Her supervisor knows she is there but she does not have daily supervision in the sense that someone is with her all the time.

3. **Expanded Definition of Vocational Education:** Under prior rules, vocational education training was defined as organized education programs directly related to preparing individuals for current or emerging employment fields which require training other than a college degree. The program could not exceed 12 months.

Under the final rule, it is considered career and technical education. The restriction on obtaining a college degree, including programs which lead to a 4-year or advanced college degree has been eliminated. Two and four year degrees are permissible. States are encouraged to review the educational program requirements and if the customer exhausts the 12 month limit on Vocational Education, they should determine if the hours may be attributed to Job Skills Training or another program. Do not deny assistance to a customer who is enrolled in an educational program just because the program exceeds 12 months and do not require that the customer leave the program in order to receive assistance.

Evaluate the program to determine what the components of the program are and if the components are countable as another activity.

Example: A customer is in a plumbing program that lasts 18 months. The actual class work for plumbing could be vocational education (BEV), which is time limited, training on a job site might be WEX or OJT and learning about coding requirements could be an IST. Don't limit the customer and cost the State valuable countable hours.

Basic skills such and English as a Second Language (ESL) classes may be included in Vocational Education training as long as it is a necessary and may be a regular part of the vocational education training. Although basic skills and ESL help prepare customers for work or training they may not be stand alone classes. The 12 month lifetime limit per individual still applies.

Example: Ms. Jane Doe receives TCA for herself and children ages 6 and 10. The customer goes to school for nursing. The program lasts 2 years. The customer is required to do 15 credit hours in class and 8 hours per week of clinical practice in a hospital. On the weekends, the customer also works part time in an unsubsidized job for 16 hours. For 12 months, the case manager counts the class room and clinical hours of the customer's nursing program as 23 hours of vocational education. The other 16 hours of unsubsidized employment gives the customer a total of 39 hours in more than one core activity. This customer is fully countable. Once the 12 months are up for Vocational Education, the case manager can evaluate the customer's nursing program to see if it fits another work activity definition, such as on-the-job training or another appropriate FDWA category, for the remainder of the time the customer will be in the nursing program.

4. **Unsupervised Homework:** Under the prior rules, only supervised homework (i.e. study hall) was allowed to count as hours toward participation as an education activity.

The Final Rule permits states to count up to one hour of unsupervised homework for each hour of class time, not to exceed the amount of time established by the educational facility as appropriate for the program. Documentation consists of a statement from the educational facility indicating the amount of homework required. The hours are counted along with the activity hours. Homework would be counted in the BEV, BER, BED and IST activity that the customer is participating in.

Example: Marcia Walley is taking a computer class to refresh her skills. The educational facility has a rule that states students can expect to spend at least one hour of homework per hour of class time. Ms. Walley is credited with 3 hours of class work and 3 hours of homework time.

5. **Parent caring for a disabled family member:** Currently a person needed in the home to care for a disabled individual is excluded from the work participation rate only if the disabled individual is not attending school full time.

Under the Final Rule the disabled family member can be attending school full time. The parent providing the care is exempt from work requirements.

6. **Self Initiated Community Service Activity:** A customer who initiates their own community service activity is countable as long as the activity meets the federally defined work activity definition. (See AT #09-02, Self Initiated Work Activities)

7. **Expectation of an employer who hires or trains a TANF customer:** The Final Rule clarifies that employers providing subsidized employment and on-the-job training are not required to hire employees fulltime. The employer is expected to provide training, guidance and direction to help the customer become employable. Employers may not use TANF customers to reduce their labor costs.
8. **Job Search hours:** The job search week for a customer with a child under 6 is 20 hours with a maximum of 120 hours in a 12 month period. Customers whose children are 6 years or older can participate in job search for 30 hours a week with a maximum of 180 hours in a 12 month period. Customers are not countable for more than 4 consecutive weeks or 120 or 180 hours in a 12 month period. Any hours over the required amount (20 or 30 hours weekly) count toward the 120 or 180 hour limit.

**Example:** Janice Sweet is assigned a job search (JBS) activity for 20 hours per week in February, 2008. She has a child who is 2. She participates the first week for **20** hours. Her son is sick the second week and she only attends **8** hours. The day care provider can not watch him if he is sick. The following week she begins a **WEX** assignment and works 20 hours a week for two weeks. She and the case manager discuss the assignment and decide it is not the right one for her. Ms. Sweet returns to Job Search the next week. She gets sick and only works **4** hours that week. The next three weeks she completes the full **20** hours per week. Then Ms. Sweet finds a job and works for 4 months. The job ends and Ms. Sweet comes back to reapply for TCA. Ms. Sweet can be countable in Job Search for 28 more hours because she had only completed 92 hours previously. In February 2009, if Ms. Sweet is not in an activity or working she could be referred back to JBS.

Week 1 of Job Search is 20 hours, week 2 is 8 hours, two weeks for WEX, 3<sup>rd</sup> week of Job Search is 4 hours, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> weeks is 20 hours per week. This is a total of 92 hours of Job Search. Had she not had the break because of WEX she would have been limited to 52 hours. The weeks she was limited to 8 and 4 hours count as full weeks when counting the 4 consecutive week limitations.

## 9. **Distance Learning**

Distance learning or on-line courses are now acceptable and countable activities. Case managers must review on-line or distance learning courses to determine if the course is one that can be considered a countable activity. Evaluate the course the same way you evaluate other vocational or technical classes. Verification of attendance could include a copy of the institution's on-line course registration, progress report or instructor statement. Many on-line courses require dialogue between class members. A statement showing the amount of time the customer was signed in and working on the class is acceptable verification of the hours of participation and the course instructor is the supervisor.

## **10. Verification Requirements**

All hours of participation must be supported by documentation in the case record, but daily documentation of job search and job readiness activities or bi-weekly documentation of unpaid work activities is not required. The goal of the supervision is to ensure that the individuals are participating and making progress in their assigned activity. A worksite sponsor, classroom instructor, contracted service provider, community based provider, job search instructor, or the TCA case manager can provide documentation that the customer participated the required number of hours.

- All unpaid activities must have written signed documentation to verify hours of participation.
- Documents verifying hours of participation should include: participant's name, actual hours of participation, the name of the work site supervisor, educational provider or other service provider and the name and number of the person verifying the hours.
- Paid activities must include documentation of hours of employment.
- Pay stubs or employer provided documents are the best source of verification
- Exception reporting is not allowed.
  - Exception reporting assumes that customers are participating in their activity as required (the Agency counts the hours as participating) unless the Agency hears otherwise from the activity or the vendor.

**ACTION DUE: October 1, 2008**

**INQUIRIES:** Please direct all TCA inquiries to Marilyn Lorenzo at 410-767-7333 or [mlorenzo@dhr.state.md.us](mailto:mlorenzo@dhr.state.md.us) or Gretchen Simpson at 410-767-7937 or [gsimpson@dhr.state.md.us](mailto:gsimpson@dhr.state.md.us).

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

## TCA Changes Effective October 1, 2008

Topic	Old Policy	New Policy	Verification and Supervision
<b>Excluded from the Definition of Work Eligible Individuals (WEI)</b>	A parent providing care for a disabled family member if the family member is not in school full time.	The disabled family member can be attending school full time.	<u>Do not</u> require the disabled family member to verify school attendance. <u>Do</u> require a statement from the disabled person's doctor that the parent is needed in the home.
<b>Excused Absence</b>	Allow up to 10 days in a federal fiscal year (FFY) for holidays (determined by the state) and 10 days or instances per year for excused absences i.e. sickness, appointments etc. A maximum of 2 days or instances per month.	Convert up to 10 days per year of excused absences to 8 hours per day for a normal workday. A maximum of 16 hours per month and 80 hours per year.	
<b>Daily Supervision</b>	Daily supervision was unclear especially for activities concerning job search and job readiness.	Daily supervision requires a responsible party who oversees and monitors an individual's participation in an activity and who has contact with him or her although it need not be in person daily.	Contact can be by phone or electronic means. The goal is to ensure that the person is participating and is making good progress.
<b>Expanded Definition of Vocation Education</b>	Vocational Education was defined as organized education programs directly related to preparing individuals for current or emerging employment fields which require training other than a college degree. The program cannot exceed 12 months.	Eliminates the restriction on obtaining a college degree and the 12 month limit. Two and four year degrees are permissible. Review the educational program requirements and if the customer exhausts 12 months of BEV, determine if the hours may be attributed to Job Skills Training or another program.	

## TCA Changes Effective October 1, 2008

Topic	Old Policy	New Policy	Verification and Supervision
<b>Unsupervised Homework</b>	Was not previously allowed	Count up to one hour of unsupervised homework for each hour of class time not to exceed the amount of time established by the educational facility as appropriate for the program	Course registration and documentation from the program of the expected number of outside hours required. Many schools have included this in the course syllabus.
<b>Expectation of an employer who hires or trains a TANF customer</b>		Clarifies the expectation of the employer to provide training, guidance and direction to help the customer become employable. Employers may not use TANF customers to reduce their labor costs.	None
<b>Job Search hours:</b>	Attendance was listed in weeks with a maximum of 4 consecutive weeks and 6 weeks total in a federal fiscal year.	Converts weeks to hours. A job search week for a customer with a child under 6 is 20 hours with a maximum of 120 hours in a 12 month period. For customers whose children are 6 years or older, a job search week is 30 hours per week with a max of 180 hours in a 12 month period. Customers may not be countable for more than 4 consecutive weeks or 6 weeks total. Any hours over the weekly requirement count against the maximum allowed.	Signed attendance forms.
<b>Good and Satisfactory Progress</b>	Students must be making good and satisfactory progress in education programs related to employment and satisfactory progress in secondary education.	Good and satisfactory progress is not a requirement.	
<b>Time Allowed for Filing Applications and for Interviews</b>	Some LDSS offices allow a specific number of hours for job interview activities	Do not assign a specific number of hours to going on interviews or completing applications. Actual hours must be counted.	A slip may be requested at the interview to prove he or she was at the interview, as many employees do.