

Select originating cluster

Action Request Transmittal

Dave Lyda, TANF Program Manager
Authorized Signature

Number: SS-AR-04-005
Issue Date: August 2, 2004

Topic: Cash Payments

Due Date: August 2004

Subject: JOBS Support Service Payment Policy

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| X Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Action Required:

Please find the most recent version of the proposed JOBS support service payment policy attached to this action request. The proposed policy comes as a result of the passage of HB 2696 in the 2003 Legislature. HB 2696 requires DHS to do two things: 1) provide notices and hearings when staff deny, close or reduce a JOBS support service payment, and 2) establish eligibility standards for JOBS support service payments.

The original content of this policy has come from the comments and questions that CAF Central Office has received over the years as we have provided JOBS support service payments to clients. DHS has also worked very closely with the framers of the original bill to craft policy that both meets the intent of the law and allows DHS to administer JOBS support service funding in a responsible way. The attached policy is the culmination of that effort, and we are sending it to you now so that you may review it with your staff prior to training in September and implementation in October. Because of the difficulties of reaching agreement with advocates on the language of this policy, and the fact that we have reached an agreement with the advocates on the language of this policy, it is very unlikely that we will make additional changes to the language of this policy based on input from staff. We believe that the new wording of the policy will provide staff with much more detailed guidance about eligibility for JOBS support service payments. However, we recognize that the Department will learn more about the full affects of this policy in the future after it has been implemented.

Therefore, we will be saving any input or feedback that we receive for possible future action should any be necessary. With that in mind, please do not hesitate to send us input or feedback on the policy, as we will be evaluating it for the future.

Action Requested: Please review the attached policy with your staff in August and early September in advance of training, which will roll out in late September by Netlink and at several locations around the state. The new material is in section A-1.

If you have any questions, please contact Jeff Stell, TANF Program Analyst, at (503) 945-6542 or by GroupWise.

Reason for Action:

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

Contact(s):			
Phone:		Fax:	
E-mail:			

A. Support Services

Intent: The intent of support services is to provide individualized assistance, subject to the limitations of state funding, that allows clients to participate in case plan activities, build skills for and reduce barriers to employment, accept job offers and retain employment, after other resources have first been explored and exhausted.

1. JOBS and JOBS Plus

Basic needs payments made during the Assessment Program are made from TANF funds. Payments to support employment preparation and entry are JOBS support service and subject to the expectations below.

Assessment Program Payments: 461-135-0475

! SEE SECTION D.2. IN THE ASSESSMENT PROGRAM CHAPTER FOR REQUIREMENTS FOR BASIC NEEDS PAYMENTS.

DHS supports individuals to succeed in attaining self-sufficiency by providing payments for items that clients may need to be able to participate in JOBS and cooperate with their case plans. These payments can include items such as child care, housing, transportation, clothes and tools. DHS also makes payments when clients need help to get or keep a job. JOBS support service payments are authorized in advance of the client beginning the JOBS activity or employment, meaning that they should be issued in time for the client to be able to participate in the planned activities.

Under Oregon law, JOBS support service payments are public assistance benefits. That means that clients must apply in writing for JOBS support service payments and that DHS staff must determine if the client is eligible to receive payments. It also means that if DHS decides to deny a JOBS support service request, or if DHS decides to close or reduce an on-going JOBS support service payment, DHS is required to give the client a notice and offer a hearing. Basically, this law makes JOBS support service payments similar to other types of public assistance benefits that DHS administers.

Eligible People

In order to receive a JOBS support service payment, a client has to meet all three of the following criteria:

- (A) The client has to be one of the following people:
- A TANF applicant or recipient;
 - Participating in the Assessment program;

- A minor parent who has become ineligible for TANF because they returned to the parent's home (per TANF policy) in the last 40 days;
 - A TANF client participating in substance abuse or mental health diagnosis, counseling or treatment programs;
 - A TA-DVS client who is receiving TA-DVS benefits and cooperating with the conditions of a safety plan;
 - A client who is "at-risk" of receiving TANF if losing a job (see below);
 - A noncitizen who is ineligible for TANF but who is a) legally able to work in the United States and b) has a child receiving TANF;
 - Disqualified from the TANF program for failure to comply with the Child Support requirements without good cause;
 - Non-custodial parents of children who receive TANF in Oregon. The non-custodial parent must reside in Oregon and have a demonstrated need for such a payment in order to cooperate with their case plan; or
 - A client who has left TANF due to employment who is cooperating with a case plan (see OAR 461-190-0241).
- (B) The client is required to participate in a JOBS activity and has agreed to participate as outlined in the case plan. If the activities listed on the case plan are not agreeable to the client, or if the client is requesting case plan activities that are outside of what DHS wants or can provide, case managers should work with the client to find a mutually-agreeable solution. This process is called conciliation. For more information on conciliation, see TANF F-18.
- (C) The client has completed and signed the DHS 7822 form, which is an application for support services.

Approval and Denial/Closure of JOBS Support Service Payment Requests

When a client requests a JOBS support service payment, DHS has 30 days in which to make an eligibility decision if the client is receiving on-going TANF. If the client is in the Assessment Program, or is requesting a TANF "at-risk" payment, the application must be processed in time to resolve the problem. In all other circumstances, the application processing time frame is 30 days. DHS should act as quickly as possible to either approve or deny a request for a support service payment. DHS will make adequate and timely support service payments available to clients to ensure current participation in required activities. Clients will have good cause for not participating in required activities prior to authorization or receipt of necessary support service payments. There may be circumstances where the branch does not have enough information to determine whether a client is or is not eligible for a JOBS support service payment. In those instances, it may be necessary to issue the client a DHS 210 requesting the specific information or verification that is necessary for the branch to make a decision. When approving a request for a support service payment, staff do not need to send a notice informing the client that payment (including payments to third parties, such as utility

companies or landlords) has been approved because approved payments are listed on the case plan.

Staff will need to issue notices to clients when they deny a request for a JOBS support service payment. Staff will also need to issue a notice to the client if a payment that a client receives on an on-going basis is stopped (closed) or reduced. When a client has completed the DHS 7822 form requesting a JOBS support service payment, if the case manager approves a support that is essentially what the client requested but is different from what the client asked for in type or amount, DHS does not have to issue a denial notice. That is because the branch has granted the client their request, even if it is not in the same type or amount that the client may have requested. When DHS offers a JOBS support service payment that is essentially, but not exactly, what the client requested on the DHS 7822, a client has the right to refuse the JOBS support service payment. If the client and the case manager are not able to agree on the type or amount of a JOBS support service payment and the client has refused the payment that the case manager has offered, the client must be given a denial or closure/reduction notice and the client does have the right to a hearing.

Note: staff are required to explain this process to clients. Make sure to note in TRACS when this explanation has been given. With some clients, the process may only need to be explained one time. In other instances, it will need to be explained multiple times.

Example: A client is requesting a JOBS support service payment for car insurance to go to and from a JOBS activity. The client resides in an urban area where there is adequate public transportation available. On the DHS 7822, the client marks that she has a need for a transportation payment, but during the interview says that what she really wants is a payment for car insurance. The branch will authorize a bus pass to the client, but will not pay for the auto insurance. If the client rejects the bus pass and demands that the branch make the insurance payment, then the client has a right to a notice and a hearing. If the client accepts the bus pass in lieu of the insurance payment, then there is no denial.

DHS may reduce, close or deny all or part of an individual's request for a JOBS support service payment if any of the following are true:

- The client does not meet the definition of an eligible person as set out above.
- A similar support is available through another part of DHS (such as Child Welfare or the Office of Vocational Rehabilitation Services) or other community resource at a lower cost or at no cost to the Department. The Department is required to work with the client to determine what resources are available in the community. Payments can only be denied if suitable alternative resources are actually reasonably available;

- The individual making the request for the JOBS support service payment is disqualified for noncooperation with their case plan. However, the branch may authorize JOBS support service payments to disqualified clients if these payments are necessary for the client to re-engage in the JOBS program and end their current disqualification;
- The request is not related to the individual's case plan; or
- The individual is offered but refuses to complete and sign an application for a JOBS support service.

Example 1: A client is requesting a housing payment so that she can move into an apartment away from her grandmother's home so that she can get out on her own. The client can continue to participate while residing in the grandmother's home, and no payment is necessary. The branch denies the payment request. The branch sends the client a denial notice.

Example 2: A client has been receiving child care for several months for her two children while she is attending JOBS activities. The child care is no longer needed. The branch sends a notice to let the client know that DHS will no longer be paying child care.

Example 3: A client has been receiving child care over the summer for her two school-aged children while she participates in JOBS. In September, the children will be returning to school. The client will still have a child care need, but at a lower amount than what she currently needs because the children will be in school much of the day. The branch sends her a notice informing her that her child care support service amount will be reduced effective September 1.

JOBS Support Service Applications: 461-115-0020

Application Processing Time Frames: 461-115-0190

Notices: 461-175-0200

Eligibility for JOBS support service payments: 461-190-0211

! FOR MORE INFORMATION ON APPLYING FOR JOBS SUPPORT SERVICE PAYMENTS, SEE TANF SECTION B. FOR MORE INFORMATION ON NOTICES FOR JOBS SUPPORT SERVICE PAYMENTS, PLEASE SEE TANF SECTION O.

Assessment Program Payments and Payments to Individuals "At Risk" of TANF

Clients who are in the Assessment program must also complete the DHS 7822 form in order to receive approval for a JOBS support service payment. Payments for basic living expenses in the Assessment program are restricted to 200% of the TANF Adjusted Income/Payment Standard based on family size (see OAR 461-135-0475 for more information). When the case manager or branch denies a request for a basic living expense or JOBS support service payment in the Assessment program, the branch sends

the appropriate notice as it would under the same circumstances if the client were a TANF recipient.

Assessment Program: 461-135-0475
Notices: 461-175-0200

An individual who is at risk of qualifying for the TANF program is eligible for JOBS support service payments to retain a job when the individual is ineligible for TANF due solely to earned income. A client who is eligible for TANF or the Assessment program cannot receive an "at risk" payment. If a client is ineligible for TANF for reasons other than income, such as deprivation, there is no eligibility for an "at risk" payment. To determine why an applicant is ineligible for TANF, the applicant must complete the TANF application process. Verbal requests for "at risk" payments are not valid until the TANF application process has been completed. This requires only the completion of the DHS 415F form and an intake by a TANF case manager.

The amount of the support service payments is limited to the amount necessary to keep the job. The person can be eligible for the payment if:

- Loss of the job in question would result, within a month, in the individual having income less than the TANF Adjusted Income Payment Standard (see OAR 461-155-0030 for more information); and
- Without the support payment the client would lose the job, and with the support payment the client would not lose the job; and
- The person completes a TANF application and provides needed verification so that they can be determined to meet all TANF eligibility requirements with the exception of earned income.

The total of payments on behalf of "at-risk" clients for basic living expenses (such as shelter, utilities, household supplies other than food and personal incidentals) may not exceed 200% of the TANF Adjusted Income Payment Standard per OAR 461-115-0030. So for example, a family of three may not receive a payment of more than \$920 ($\$460 \times 2 = \920). The 200% restriction does not apply to JOBS support service payments that are made over and above payments for basic living expenses.

Example 1: A person is interested in receiving a support payment to retain a job. If she does not pay her union dues, she will lose the job and her family will be eligible for TANF next month. She has completed an application for TANF and you have confirmed that she is ineligible for TANF at this point only because she is over income. She and her children meet all other financial and nonfinancial eligibility factors. This client is eligible for a support payment.

Example 2: A married two-parent household requests an "at risk" payment to keep their electricity on. The mom runs an in-home child care that generates

enough income at this point to make the family ineligible for TANF. However, if the electricity is shut off, she will no longer be able to provide care which will cause them to apply for TANF next month. The father is the PWE and he left his last job two months ago for reasons that resulted in a disqualification from UC. This family is not eligible for an "at risk" payment because they would be ineligible for TANF not only because of income, but also because there is no deprivation for the children.

Example 3: A client requests an "at risk" payment because she needs to have her car repaired in order to continue working. She is ineligible for TANF only because she is over the income standard. However, she will lose her job if her car is not repaired because she has to drive 20 miles to work and there is not public transportation system in the community. This client is eligible for the "at risk" payment in order to maintain employment.

"At Risk" Payments: 461-190-0211

Verification

DHS may require an individual to provide verification of the need for a support service payment prior to the approval and issuance of a support service payment. DHS can also require individuals requesting support service payments to provide verification of the need and the costs associated with such payments if verification is reasonably available. If verification is not reasonably available to the family, no verification may be required.

Example: A case manager is prepared to make a housing payment for a JOBS client. The case manager can require the client to provide proof that the person to whom the payment will be made is actually the landlord or the owner of the property, and that the amount requested is the actual cost. The case manager should assist the client in obtaining the needed verification.

Verification: 461-190-0211

Child Care

Support payments for child care will be provided, as limited by OAR 461-160-0040, when necessary to enable the individual to participate in JOBS program activities. Payments for child care will be made for:

- (A) The lesser of the actual rate charged by the care provider or the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150, except that child care may be paid up to the monthly maximum when children are in care less than 158 hours per month and:

- (1) Appropriate care is not accessible to the individual at the hourly rate; or
 - (2) The individual is a teen parent using on-site care while attending education activities.
- (B) The minimum hours necessary, including meal and commute time, for the individual to participate in JOBS activities or to obtain and maintain employment.

Child care payments may be provided when individuals are not participating in activities of the JOBS program if necessary for them to retain their provider. Only the minimum amount necessary to maintain the child care slot with the provider may be covered as established in OAR 461-155-0150. Not more than 30 days between scheduled JOBS activities may be covered.

Child Care: 461-190-0211

Housing and Utilities

There are special conditions under which DHS can make payments for housing and utilities for JOBS clients. Conditions include securing or maintaining housing or utility services to prevent an eviction, or prevent a utility shut-off. Branches would do this in order to help the client find or maintain employment or participate in JOBS program activities in the case plan.

For clients who are in the Assessment Program or are applying for a JOBS support service payment because they are “at-risk” of getting TANF, DHS will make payments if the client meets all eligibility factors for receiving a housing or utility payment. Clients who receive an on-going TANF grant are expected to meet their housing and utility expenses out of the money that they receive each month in their TANF grant. Therefore, for clients who receive an on-going TANF grant, DHS may make payments on a case-by-case basis as appropriate if they otherwise meet the JOBS support service payment eligibility criteria.

In order to receive a JOBS support service payment for housing or utilities, all of the following must be true:

- The client cannot make a shelter or utility payment due to lack of assets;
- The lack of assets did not result from a JOBS or Child Support disqualification, an IPV recovery or overpayment recovery (other than administrative error) or failure by the individual to pay the shelter or utility expense when funds were reasonably available. It is not DHS’ intent to force clients to choose between rent or utilities and other necessities of life such as food, clothing or medicine. However, unreasonable client expenditures for items not needed to meet basic needs, such as lottery tickets would not be considered acceptable for this provision; and

- The client's case plan addresses how subsequent shelter and utility payments will be made.

Example: A client requests that DHS pay \$57 rent to the Housing Authority because he does not have any funds available and will be evicted if DHS does not pay. The client has purchased lottery tickets, totaling over \$60. The client would not be eligible for a housing payment as he had income available to pay rent and chose to use it for other expenses.

When the shelter need results from domestic violence, DHS may make shelter and utility payments from JOBS funds when all of the following are true:

- The client is not eligible for TA-DVS;
- The client will be able to pay all subsequent shelter costs, either through his or her own resources or through other resources available within DHS or within the community; and
- The client's case plan addresses how subsequent shelter costs will be paid.

Housing and Utility Payments: 461-190-0211

Transportation

Payments for transportation costs for JOBS clients can include public transportation (bus passes or bus tickets), auto insurance, car repairs, or fuel for a vehicle to get to and from JOBS activities. Payments that allow clients to use public transportation are the highest priority for DHS. However, payments for private transportation will be provided if the following are true:

- The client or driver has a valid driver's license;
- No public transportation is available;
- Public transportation is available, but the client has a verifiable medical condition or disability that keeps them from utilizing public transportation and for which no accommodation is available; and
- Public transportation is available, but it is more costly than the cost of car repair or fuel.

In considering transportation payments, it is vital that staff evaluate all aspects of the client's transportation need and cost-effectiveness for DHS. For example, if DHS' child care cost will be higher as a result of requiring a client to ride the bus instead of driving their own car or getting a ride with another person, staff should consider paying for gas vouchers or other payments.

DHS will not authorize car repairs for a vehicle owned by an individual who is not in the TANF filing group. However, there may be other resources available to the client. For example, there may be shuttle services that can connect a client with employment or

activities in other areas, or someone could sign over an automobile to the client so the DHS can make the payment.

Example: A client living in a rural area must travel 30 miles one way to a JOBS activity. Her dad has been allowing her to use his vehicle to get back and forth to the activity. DHS can pay for the gas needed to get back and forth. His vehicle now needs a new head gasket and it will cost approximately \$500 to repair. DHS will not pay for the new part or for the actual repair. However, the father could sign the car over to the client and thereby allow the client to receive a car repair payment.

Transportation: 461-190-0211

Students Receiving Financial Aid

DHS may authorize support service payments for students in vocational training who receive financial aid. Such payments are subject to the following conditions:

- A student whose financial aid consists solely of student loans is not required to use any of that financial aid for support services.
- Support service payments are not authorized for services specifically covered by federal or state financial aid other than student loans.
- Students whose financial aid consists of a combination of loans and grants may be required to pay for support services from any grant money remaining after payment of tuition, fees solely related to the institution where the individual attends, books, and supplies (applying first the loan and then any grants) if the financial aid award letter specifically permits this usage of funds.

Other Support Services

DHS can also provide payment for other items that are directly related to participation in JOBS activities. These items can include, but are not limited to the following:

- Items necessary to obtain and retain a job or enhance a client's wage and benefits;
- Reasonable accommodations of a client's disability;
- Clothing;
- Grooming needs;
- Moving expenses;
- Books and supplies for education needs;
- Tools; and
- Bonding and licensing to obtain a job.

2. TANF Incentive Payments

Incentive payments include the Cooperation Incentive (COI) and outcome or progress incentives.

! SEE SECTION F.2 OF THE TANF CHAPTER AND RULE 461-135-0210 FOR RULES REGARDING THE COI.

JOBS participants can receive an outcome or progress incentive to recognize case plan-related accomplishments that support self-sufficiency goals. Incentive payments can be made to motivate or reward clients, and to support achievement or self-sufficiency goals for the individual client. These payments can be made when the branch has an incentive payment process and the payment fits the process requirements. The payments are made like other JOBS support services payments and criteria are described in the client's case plan.

461-135-0210, 461-155-0525, 461-190-0211

3. JOBS & TANF Payment Process

Payments are made by DHS staff designated by the branch or contractor staff designated by DHS to issue vouchers. All payments except JOBS Plus wage reimbursement and child care are made using the following methods:

- Check issued through TRACS to client or dual-payee to client and provider.
- A revolving fund check to client or dual-payee to client and provider, and entered on TRACS.
- An AFS 21 for bus passes.

Note: For COI only, this amount is calculated and added to the TANF grant when the COI Need code is entered on CMS.

The preferred method is a check issued to the client through TRACS, to arrive in time for the client to meet participation needs. A revolving fund check should be used only in emergencies.

! SEE THE COMPUTER GUIDE, SECTION B AND SECTION C FOR INSTRUCTIONS ON CREATING A JAS SCREEN AND MAKING SUPPORT SERVICES PAYMENTS.

Child Care Payment Process: Child care payments are issued using the JCCB process or a check to reimburse the client for allowable child care they have already paid.

! SEE THE CHILD CARE CHAPTER FOR DETAILS ON THE PAYMENT PROCESS.

Noncustodial Parent Process: Noncustodial parents who have a child receiving TANF and participate in the JOBS program may receive support service payments just as if they were a custodial parent participating in JOBS.

4. OFSET

FS clients must be participating in an OFSET activity (and coded as mandatory or a volunteer on FSMIS) to be eligible to receive an OFSET service payment. The payment is to reimburse the client for the direct cost of participating in the specific OFSET activity(s).

Requirements:

- Payments are limited to \$40 per month to reimburse clients for costs (not including child care) reasonably necessary and required for participation. Clients may be given bus tickets/tokens in lieu of the \$40. Give the lesser value of tickets/tokens or passes needed for the client to participate in the assigned activity.
- Do not use OFSET service payments for anything that is not directly related to the OFSET activity. (Unallowable payments include: car payments, purchase or repair of a vehicle, car insurance, ODL, rent or utility payments, clothing unless special clothing is required to accept a job, parenting classes, A&D treatment, mental health, etc.)
- Reimbursements for mileage may be issued in the initial month of employment for participants who go to work. After the first month of employment, do not reimburse for work travel.
- Child care payments are limited to the ERDC rate and limits of rule 461-155-0150 and are necessary to participate in the OFSET component only.
- Do not make OFSET child care payments for work or college. ERDC, SBG and the FS child care deduction are used to cover these costs.
- All OFSET payment decisions must be narrated on TRACS.

461-190-0360

***Note:** OFSET contracts in some districts stipulate that the contractor will make service payments. Before making an OFSET service payment, discuss with the contractor to determine the reason no payment was made and that services are not duplicated.*

Payment Process: The AFS 21 can be used to purchase bus tickets for the branch. OFSET payments for job search and training (such as gas) or special clothing required as a condition of employment, should not exceed \$40 per month. OFSET service payments

are made under code 61 through JAS. OFFSET payments for child care are made using the WSIT through JAS using code 62.

! SEE FS D.15 FOR MORE INFORMATION ON OFFSET SERVICE PAYMENTS.

461-190-0360

5. Noncustodial Parent Payment Process

Requirements:

- Noncustodial parents participating in JOBS case plan activities are eligible for JOBS support services.
- Noncustodial parents eligible for or receiving FS benefits may be served by the JOBS program, but cannot receive both JOBS and OFFSET program services and support payments.
- See A.1 above for JOBS support services requirements.

Payment Process: See A.3 above for JOBS payment process.

! SEE B.16 IN THIS CHAPTER FOR AN EXPLANATION OF JOBS SERVICES TO NONCUSTODIAL PARENTS