

Manual Transmittal

Arkansas Department of Workforce Services Temporary Assistance for Needy Families

Policy Form Policy Directive Issuance Number:

Transitional Employment Assistance Manual Issuance Date: December 31, 2015

Expiration Date: December 31, 2017

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Subj: TEA Policy Manual

TWO YEAR PILOT DRUG SCREENING AND DRUG TESTING PROGRAM

Drug Screening

Two year pilot program for drug screening of all TEA and Work Pays applicants and current recipients that are otherwise eligible shall be conducted after December 31, 2015, in accordance with Arkansas Act 1205 of 2015. During their respective eligibility determination or redetermination, the drug screening will be used to determine whether there is reasonable cause to believe the applicant or current recipient engages in the use of drugs. The TEA and Works Pays drug screening and testing program is separate from any employer-required drug screening and/or drug testing. Drug testing information shall be kept confidential in accordance with Act 1205 of 2015.

Applicants and recipients that are otherwise eligible shall submit a completed drug screening questionnaire as a part of the eligibility determination or redetermination for TEA and Work Pays benefits. Refusal and/or failure, without good cause, to submit a completed drug screening questionnaire shall result in denial of the applicant's application or denial of continued benefits.

The following are exempt from the drug screening and testing requirement:

- A dependent child under eighteen (18) years of age unless the dependent child is a parent who is also an applicant for the TEA and Work Pays Programs and who does not live with a parent, legal guardian, or other adult caretaker relative.

"Caretaker relative" means any of the following individuals living with a minor child:

- ❖ A parent or stepparent;
- ❖ A grandparent;

- ❖ A sibling, half-sibling, or stepsibling;
 - ❖ An aunt or uncle of any degree;
 - ❖ A first cousin, nephew, or niece; and
 - ❖ A relative by adoption within the previously named classes.
- An entity or individual participating in the Career Pathways Program or Community Investment Initiative under the TEA and Work Pays Programs.

If the result of the drug screening indicates a reasonable suspicion to believe that the applicant or recipient has engaged in the use of drugs, then the applicant or recipient shall be required to take a drug test.

Cooperation with the Drug Testing Process

A refusal by an otherwise eligible applicant or recipient to take a drug test shall result in lack of eligibility for program benefits for six (6) months.

If the disqualified applicant or recipient that is otherwise eligible reapplies for the TEA and Work Pays program the applicant shall submit to a drug test.

An applicant or recipient that is otherwise eligible shall not be denied TEA and Work Pays Program benefits on the basis of failing a drug test if the applicant or recipient that is otherwise eligible has a current and valid prescription for the drug in question.

The results of the drug confirmation of the same urine sample from the initial positive test shall be used to determine final eligibility for TEA and Work Pays Program benefits.

Referral for Substance Abuse Evaluation, Treatment and Ineligibility for Benefits

If the results of the drug confirmation test indicate usage of drugs, the Workforce Specialist shall refer the applicant or recipient that is otherwise eligible for a substance abuse evaluation to determine the appropriate treatment plan and/or recovery support group or resource.

If the applicant or recipient that is otherwise eligible is determined not to need any drug treatment or drug recovery support after the substance abuse evaluation is conducted, the applicant or recipient shall be exempt from the drug treatment requirements. The applicant or recipient shall continue to be eligible for the TEA and Work Pays program benefits and move forward with the eligibility determination based on program requirements.

If the applicant or recipient that is otherwise eligible is determined to need drug abuse treatment and/or recovery support after the substance abuse evaluation, the Workforce Specialist in coordination with the entity performing the substance abuse evaluation, shall refer the applicant or recipient to an appropriate drug treatment facility and/or recovery support group or resource to begin the drug treatment/recovery support plan. The applicant or recipient that is otherwise eligible shall have ten (10) business days after a referral for treatment is made, to provide the Workforce Specialist any of the following, as required under the drug treatment plan:

1. Verification of enrollment in an approved drug treatment program;

2. Verification of placement on a waiting list for an approved drug treatment program; or
3. Verification of attendance at approved recovery support resource meeting.

If an applicant or recipient that is otherwise eligible is placed on a waiting list for enrollment in an approved drug treatment program, the applicant or recipient will continue to receive benefits during the waiting list period if applicant or recipient is not eligible for immediate enrollment in any other comparable drug treatment program.

The applicant or recipient that is otherwise eligible shall receive benefits for the duration of the drug treatment period, not to exceed six (6) months. Failure to comply with the treatment plan will result in case closure in accordance with TEA policy 3300.

The drug treatment period shall begin with the date of the first treatment session in the drug treatment program or the first date of attendance at a drug recovery support group/resource meeting.

In order to receive program benefits for the duration of the drug treatment program, not to exceed six (6) months, the applicant or recipient that is otherwise eligible must provide the Workforce Specialist with documentation of ongoing compliance with the drug treatment program or recovery support resource that verifies attendance and participation in the program. This documentation shall be provided biweekly.

In the event the drug treatment plan requires more than six (6) months of care, the applicant or recipient that is otherwise eligible may submit to a drug test after six (6) months of treatment to determine the applicant's or recipient's continued eligibility for TEA or Work Pays program benefits.

After the six (6) months of care or disqualification, if the applicant that is otherwise eligible tests positive for drugs in a subsequent drug test, validated by a confirmation test, the applicant shall be ineligible to receive TEA and Work Pays program benefits for six (6) months from the date of the positive confirmation test.

The Workforce Specialist shall determine whether an applicant or recipient that is otherwise eligible has good cause for failure to begin, participate in, and/or complete the drug treatment/recovery support resource program by considering the applicant's or recipients circumstances, whether failure to comply is the result of circumstances beyond the applicant's or recipient's control and the requirements of the applicant's or recipient's drug treatment and/or recovery support program.

If the Workforce Specialist determines that good cause exists, the Workforce Specialist and TEA Supervisor shall work in conjunction with the substance abuse evaluation entity and/or the drug treatment program to amend the applicant's or recipient's drug treatment plan so that the applicant or recipient that is otherwise eligible is able to complete the requirements of the drug treatment plan consistent with his/her abilities.

If an applicant or recipient that is otherwise eligible is found ineligible to receive TEA program benefits as a result of a positive drug test or failure to begin, participate in, and/or complete the drug treatment/recovery support resource program, that applicant or recipient shall not be eligible for benefits and shall be removed from the benefit unit. The dependent child's eligibility for the TEA program shall not be affected.

ADWS or authorized agency shall designate a protective payee, either a caretaker relative or legal guardian of the child, to receive the dependent child's TEA program benefits. No person who is the applicant for TEA benefits and tests positive for the use of drugs shall serve as a protective payee.

An applicant or recipient that is otherwise eligible may appeal any denial of eligibility for TEA and Work Pays benefits as a result of drug screening or drug testing in accordance with appeal procedures in section 8000 of the TEA Policy Manual.

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