

# ARKANSAS

STATE PLAN FOR TITLE IV-A OF THE  
SOCIAL SECURITY ACT:

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
(TANF) PROGRAM



Arkansas Division of  
Workforce Services

## CERTIFICATIONS

The State will operate a program to provide Temporary Assistance for Needy Families (TANF) to reduce dependence of needy parents on government benefits by promoting work so that children may be cared for in their own homes or in the homes of relatives; to prevent and reduce the incidence of out-of-wedlock pregnancies; and to promote family unity.

This program is known as the **Transitional Employment Assistance Program (TEA) and Work Pays Program.**

Executive Officer of the State (Name) **Asa Hutchinson.**

In administering and operating a program which provides Temporary Assistance for Needy Families under Title IV-A of the Social Security Act, the State:

1. Has designated the **Division of Workforce Services (DWS)** as the agency responsible for administering the program under Part A in all political subdivisions of the State.
2. Has consulted local governments and private sector organizations regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and has allowed at least 45 days to submit comments on the plan and the design of such services.
3. Operates a Child Support Enforcement program under the State plan approved under part D.
4. Operates a Foster Care and Adoption Assistance program in accordance with part E and certifies that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance.
5. Provides each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.
6. Establishes and enforces standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Makes available to the public a summary of the State plan.
8. Has established procedures to:
  - a) Recognize individuals receiving assistance under this part with a history of domestic violence and, when appropriate, refer such individuals to counseling

and supportive services.

- b) Waive, on a case-by-case basis and pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, and child support cooperation requirements when compliance with such requirements would make it more difficult for an individual receiving assistance under this part to escape domestic violence or unfairly penalize such an individual who is or has been victimized by such violence, or who is at risk of further domestic violence.

9. Has established and enforced standards and procedures to:

- a) ensure that applicants and potential applicants for this assistance under the State program funded under this part are notified of assistance made available by the State to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking;
- b) ensure that case workers\* and other agency personnel responsible for administering the State program are trained in:
  - the nature of and dynamics sexual harassment and domestic violence, sexual assault, and stalking;
  - State standards and procedures relating to the prevention of and assistance for individuals who are victims of sexual harassment or survivors of domestic violence, sexual assault, or stalking; and
  - methods for ascertaining and ensuring the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking.

\*The State of Arkansas defines “case workers” as “DWS Workforce Specialists”.

Decisions to waive compliance with TEA requirements will be made on an individual, case-by-case basis, and will not endorse an individual's failure to behave proactively to ameliorate destructive domestic violence situations. We support domestic violence victims taking actions to recover their lives through the relief provided by resources Arkansas makes available.

**CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:**

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Signature and Title

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Date

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## **Section 1 ORGANIZATION**

### **1.1 Organizational Structure**

Arkansas Act 1705 of 2005 established the Division of Workforce Services (DWS) as the recognized agency for administration of the Temporary Assistance for Needy Families (TANF) program in Arkansas. The Arkansas Department of Human Services, Division of County Operations partners with DWS in the operations of the State's TANF program, called Transitional Employment Assistance (TEA) in Arkansas.

### **1.2 Statewide Operation**

The Division of Workforce Services and Department of Human Services - Division of County Operations operate a statewide program. The Division of Workforce Services will be responsible for the day-to-day operations for case management and the Division of County Operations within DHS will be responsible for the day-to-day operation of eligibility determination for the program.

### **1.3 Implementation Date**

The Department of Human Services implemented the Transitional Employment Assistance Program on July 1, 1997.

The Division of Workforce Services assumed overall program responsibility on January 1, 2006, in accordance with State law.

### **1.4 Public/Private Agency Relationships**

The Division of Workforce Services may, as appropriate, provide work activities, training, and other services through contracts. The Division will enter into interagency agreements with other state agencies for the provision of necessary services and necessary exchanges of information. The Division may also interface with other agencies in providing employment-related services.

### **1.5 Arkansas Temporary Assistance for Needy Families Oversight Committee**

The TANF Oversight Committee is a subcommittee of the Arkansas Workforce Development Board and is designed to be an agent of change and challenge to existing federal, state, and local agency service delivery mechanisms for progress serving low-income persons.



The responsibilities of the committee include developing a vision and blueprint for the Temporary Assistance for Needy Families Program to:

- Provide effective services to the Transitional Employment Assistance Program and Arkansas Work Pays Program participants.
- Improve performance on the Transitional Employment Assistance Program participant outcomes; and
- Integrate Transitional Employment Assistance Program services, Arkansas Work Pays Program services, and services offered in the local workforce offices.

The members of the Arkansas Temporary Assistance for Needy Families Oversight Committee include:

- The Director of the Division of Workforce Services;
- The Director of the Division of County Operations of the Department of Human Services;
- At least five (5) members representing businesses;
- At least one (1) chief elected official;
- At least one (1) member from among those members appointed under the Arkansas Workforce Innovation and Opportunity Act §15-4-3704 (b)(4)(B).

## **Section 2 PURPOSE AND GOALS**

The purpose of the Transitional Employment Assistance program is to help economically needy families become more responsible for their own support and less dependent on public assistance. Central to this purpose is helping adults and minor parents increase their employment potential; helping to reduce out of wedlock births; and promoting family unity.

### **2.1 Public Involvement**

During the 2007 Arkansas legislative sessions, Act 514 of 2007 was enacted which caused various changes to the TEA program as a result of legislative review and public input. Those changes are reflected in this Plan.

Simultaneous to submitting the draft TANF Plan to the U.S. Department of Health and Human Services, DWS will place an announcement on its public website homepage regarding the availability of the draft Plan for public comment. The web link will include the draft Plan and instructions for submitting comments and the timeframe for submitting them. Information about how to obtain a hard copy of the draft Plan will also be provided.

Written comments on the draft Plan will be accepted by DWS for consideration over a time period of forty-five days. DWS will review all

comments for potential changes to the draft Plan. At the conclusion of the public comment period, DWS will submit a revised Plan to include the following information: the number of comments received on the draft Plan; the types of comments received; and any changes DWS made to the draft Plan as a result of the comments.

### **Administrative Procedures Act**

The policies developed to operate the Transitional Employment Assistance program are subject to the promulgation requirements of the Arkansas Administrative Procedures Act. This includes a thirty (30) day public comment period.

## **2.2 Program Goals**

1. To increase the number of families who leave Transitional Employment Assistance due to employment.
2. To increase the number of families leaving Transitional Employment Assistance due to employment that stay employed and experiences a gain in earnings.
3. To increase teen's future earning potential through the completion of high school and by reducing out of wedlock births to teens.

## **2.3 Measurement of Goals**

Measurement of the program goals will be accomplished through performance reports produced by DHS, DWS and from reports from the Arkansas Department of Health relative to out-of-wedlock births.

## **Section 3 POPULATIONS TO BE SERVED**

Transitional Employment Assistance will be available to economically needy families with children under the age of eighteen (18) years who are residing in the State of Arkansas and meet specified eligibility requirements.

Families receiving cash assistance must meet all of the following eligibility criteria.

### **3.1 Definition of Needy Family**

A needy family is defined as one which includes a child or children under the age of 18 years and the parent(s) or other adult relative caretaker who is living with such child(ren) and whose family income and resources are within specified limits.

### **3.2 Definition of Other Adult Relative Caretaker**

Other adult relative caretaker is defined as a non-parent relative who is providing care for the child (when there is no natural parent in the home) and is in one of the following degrees of relationship to the child:

- a. A blood or adoptive relative within the fifth degree of kinship (e.g., grandparent, aunt, etc.);
- b. Step-father, step-mother, step-sister, step-brother;
- c. A spouse of any of the above.

For purposes of determining family size and family income and resource eligibility, any other adult relative caretaker as defined above, with the exception of a step-parent, may choose to be included as an eligible family member or not.

If such relative chooses not to be included (i.e., is a payee only), then his/her income and resources will not be considered when determining eligibility. In addition, employment services described in Section 4 will not be available to such excluded adult relative and the time limit described in Section 3.7 will not apply.

### **3.3 Income Limit**

#### Cash Assistance

The family's countable income (as defined in the State's policy and procedures manual) must be equal to or below \$223 per month. The one income limit applies to all family sizes and to initial and on-going eligibility. This amount is 25% of what a full-time (40 hours/week) worker would have earned at the federal minimum wage that was effective September 1, 1997 (\$5.15/hour) in a month.

For the purposes of income eligibility, the following deductions will be made from a family's gross monthly-earned income:

- a. For initial eligibility, a 20% deduction for work related expenses (e.g., taxes).
- b. For on-going eligibility, the 20% work-related deduction followed by a 60% work incentive deduction from the remainder.

### **3.4 Resource Limit**

#### **Cash Assistance**

The family's countable resources must be equal to or below \$3,000. The one resource limit applies to all family sizes and to initial and on-going eligibility.

Resources include real and personal property which are currently available or for which the family has the legal ability to make available for current use.

In accordance with Arkansas Act 514 of 2007, the following categories of resources are disregarded:

- a. The family's homestead;
- b. One operable motor vehicle;
- c. Household and personal goods;
- d. Income-producing property;
- e. Monies deposited in an approved Individual Development Account (IDA) or approved escrow account for business or career development;
- f. Any other property specified in the State policy and procedures manual that the agency had determined would be cost-efficient to exclude or which must be excluded due to federal or state statute.

### **3.5 Drug Screening and Drug Testing**

Drug screening of all TEA and Work Pays applicants and current recipients that are otherwise eligible shall be conducted. 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.

#### **3.5.1 Drug Screening**

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 application or ineligibility of recipient.

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.

### **3.5.2 Exemption from Drug Screening and Testing Requirements**

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

- A dependent child under eighteen (18) years of age;
- A non-head-of-household minor parent who lives with a parent, legal guardian, or other adult caretaker relative;
- An entity participating in the Career Pathways Program or Community Investment Initiative under the TEA and Work Pays Programs

### **3.5.3 Drug Testing and Treatment**

If the applicant or recipient that is otherwise eligible tests positive for drugs, the drug testing entity will administer a confirmation test using the same specimen sample from the initial positive test. The results of the confirmation test will determine whether the program refers the applicant or recipient for a substance abuse evaluation and treatment. The applicant or recipient will be able to present a prescription for any medication or a written certification and a registry identification card issued under Arkansas Constitution, Amendment 98, she/he is taking to the drug testing entity for review in conjunction with any positive test results.

### **3.5.4 Disqualification Related to Drug Testing and Treatment Requirements**

A refusal to take a drug test shall result in the applicant's or recipient's ineligibility for TEA and Work Pays benefits for six (6) months.

If the applicant that is otherwise eligible complies with drug testing and/or treatment requirements, the applicant may be eligible for TEA and Work Pays benefits. The applicant or recipient complying with the substance abuse evaluation and treatment/recovery plan may continue to receive benefits for duration of the program treatment not to exceed six (6) months.

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

### **3.5.5 Designating a Protective Payee**

If an applicant or recipient that is otherwise eligible and is found ineligible to receive TEA and Work Pays 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 removed from the benefit unit.

However, the dependent child's eligibility for TEA and Work Pays benefits 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 benefits. No person who is the applicant for or recipient that is otherwise eligible for TEA and Work Pays benefits and tests positive for the use of drugs shall serve as a protective payee.

### **3.5.6 Appeals Due to Drug Screening and Drug Testing**

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 the TEA Policy manual.

### **3.6 Citizenship Requirement**

Recipients must be citizens, qualified aliens who entered the United States before August 22, 1996, qualified aliens who entered the United States on or after August 22, 1996, who are excepted from the five-year bar, or aliens who entered the United States on or after August 22, 1996 and have been in "qualified alien" status for at least five (5) years.

### **3.7 Time Limit Requirement**

A needy family who meets all other eligibility requirements will not be eligible to receive TEA assistance if the family includes an adult parent (or other adult relative caretaker who is included as an eligible member) who has received such assistance for twenty-four (24) months unless it is determined that the family meets one of the criteria outlined in Section 5 (Exemptions/Deferrals). The twenty-four months need not be consecutive months. The twenty-four (24) month count began July 1, 1998.

A needy family that includes an adult parent who meets the criteria outlined in Section 5 (Exemptions/Deferrals) and is deferred from the twenty-four (24) month time limit will not be eligible to receive TEA assistance beyond the sixty (60) month federal time limit unless it is determined that the family meets one of the criteria outlined in Section 5 (Hardship Extensions).

### **3.8 Personal Responsibility Agreement Requirement**

The Personal Responsibility Agreement (PRA) is an agreement specifying the recipient's responsibilities that are a condition of receiving employment assistance, which may include an employment plan that describes what the recipient and the Division will do to assist the recipient to achieve self-sufficiency through employment. (See Section 8.1 for a description of the PRA.)

### **3.9 Assignment of Child Support**

The adult caretaker must agree to assign child support rights to the State. Such assignment will become effective upon receipt of cash assistance.

### **3.10 Drug-Related Convictions**

Arkansas has elected to opt out of section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which disqualifies TEA applicants and recipients from participation in TEA and other TANF-funded programs due to certain drug-related felonies.

### **3.11 Minor Parent Living Arrangements**

An unmarried parent under the age of 18 must reside in a place of residence maintained by a parent, legal guardian, or other adult relative except in the following situations:

- a. It has been determined that the unmarried minor parent's current living arrangement is appropriate. In this situation, the minor parent and child will be required to continue to reside in such living arrangement as a condition of eligibility unless it is determined that such living arrangement is no longer appropriate due to changed circumstances.
- b. The minor parent has no parent, legal guardian, or other adult relative of his or her own who is living or whose whereabouts are known.
- c. The minor parent's parent or legal guardian will not allow the minor parent and child to live in his/her home and there is no other adult relative who will allow the minor parent and child to live in their home.
- d. The minor parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the home of the minor parent's parent or legal guardian.
- e. Substantial evidence exists of an act or failure to act that places the minor parent or child at risk of imminent or serious harm in the home of the minor parent's parent or legal guardian.
- f. The agency determines that it is in the best interest of the minor parent's child to waive the living arrangement requirement for the minor parent and child.

### **3.12 Family Violence Option (FVO)**

Arkansas continues to utilize the Family Violence Option (FVO) for victims of domestic violence. This will allow us to modify program requirements and extend time limits to help victims of domestic violence.

### **3.13 Eldercare Workforce**

The Arkansas TANF program does not intend to target training for individuals seeking and maintaining employment specifically in the eldercare workforce. However, training may be available in various job classifications such as Certified Nurse Assistant (CNA) that are consistent with employment in the eldercare workforce.

## **Section 4 WORK AND SELF-SUFFICIENCY**

As a condition of eligibility, parents, and other adult caretakers who are included as eligible family members, will be required to seek and accept employment unless they are unable to do so due to one or more of the criteria outlined in Section 5 (Exemptions/Deferrals). Minor parents are excluded from the employment requirement, however, must be engaged in educational activities.

### **4.1 Applicant Intake**

During the initial interview with the applicant, information will be obtained regarding household and family employment circumstances. This information will be assessed and options or courses of action will be discussed with the applicant. The family may be diverted from assistance at this point through a Diversion Assistance payment (See Section 6.6 regarding Diversion).

### **4.2 Employability Assessment**

The purpose of the employability assessment will be to determine the applicant's abilities, talents, proficiencies/deficiencies, etc. The assessment is completed to determine the applicant's ability to move into employment and may be done by an agency or organization other than DWS.

During the assessment, the DWS Workforce Specialist will present an orientation/overview of the program, gather pertinent information, and identify barriers that may prevent the applicant from becoming self-sufficient through employment. The DWS Workforce Specialist may also identify the following.

- Family situation/circumstances
- Employment history/work experience
- Educational attainment/ literacy level/functional educational level
- Skills
- Interests
- Supportive Service needs, if any.

NOTE: Participants who are identified as victims of domestic violence may be referred for appropriate services. Participants will also be notified of the assistance available to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking. Appropriate services may include but are not limited to:



Counseling, housing relocation assistance, referral to mental health, referral to prosecuting attorney and/or law enforcement and the DHS Division of Children and Family Services. The DWS Workforce Specialist will, where appropriate, use all available resources to help victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking receive timely/needed services.

### **4.3 Employment Plan**

Information obtained during the assessment will be used to develop the Employment Plan and engage the participant in work or a work-related activity designed to move him/her into full-time employment in the shortest period of time.

The employment plan is a written document that specifies a planned series of actions necessary for the participant to accept full time employment. The plan will identify (1) the participant's employment goals; (2) problems or impediments which may delay or adversely affect employment and what is needed to solve those problems; (3) the particular TEA work activity which is most appropriate for the participant; and (4) specific actions planned with, for, and by the participant in order to attain employment.

During the employment-planning interview, the DWS Workforce Specialist verifies, with the participant, the severity of any problems (i.e., poor/lack of housing, drug abuse, and domestic violence) and identifies actions required to alleviate them. Services will be limited to those necessary for the participant to accept employment.

Upon completion of the assessment process, the DWS Workforce Specialist may engage the participant in one or more of the following work activities: Employment (Unsubsidized or Subsidized); Education Directly Related to Employment; Career and Technical Education; Job Skills Training; Job Search and Job Readiness; On-the-Job Training; Community Service, Work Experience; Attendance at a Secondary School; and Providing Childcare Services to a Community Service Participant.

### **4.4 Work Activities**

Arkansas defines its work activities in accordance with federal guidelines, as submitted in the State's approved Work Verification Plan.

#### **4.4.1 Employment**

This activity is for participants who enter employment but are not yet self-sufficient. Employed participants may be involved in additional activities directed at increasing their earning potential. To the extent possible, program services for participants will be arranged so as not to conflict with the

participant's employment.

Employment may be either unsubsidized or subsidized.

#### Unsubsidized Employment

Unsubsidized employment is supervised full-time or part-time employment in the public or private sector with wages paid by the employer that are not supplemented by TANF or any other public program. The determination of whether or not employment is subsidized depends on whether the employer, rather than the participant, receives a direct subsidy. Self-employment and College Work Study are considered unsubsidized employment in Arkansas.

#### Subsidized Employment

Subsidized private sector employment is supervised employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a participant for an established trial period. It is agreed that at the end of the trial period, not to exceed six months, the subsidized employment may be in either the private sector or public sector. Such employment is directly supplemented by federal or state funds.

Subsidized public sector employment is defined as supervised employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a participant for an established trial period. It is agreed that at the end of the trial period, not to exceed six months, the employer is expected to retain the participant as a regular employee without receiving a subsidy.

In subsidized employment, both private and public, the participant must receive the same wages, benefits, and working conditions as other employees who are performing comparable work. The employer must meet or exceed Federal Minimum Wage requirements.

#### **4.4.2 Education Directly Related to Employment**

This activity is an educational program that is related to a specific occupation, job, or job offer. This includes courses designed to provide the knowledge and skills for specific occupations or work settings and includes English for Speakers of Other Languages and Basic Education. When it is a prerequisite for employment by an employer, this activity may include education leading to a GED or a high school equivalency diploma. Supervised time spent in monitored study sessions is included in the definition.

#### **4.4.3 Career and Technical Education**

Career and Technical Education (not to exceed 12 months with respect to any individual) is organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training.

Career and Technical Education must be provided by education or training organizations such as: vocational-technical schools, community colleges, postsecondary institutions, proprietary schools, non-profit organizations, and secondary schools that offer vocational education.

#### **4.4.4 Job Skills Training**

Job skills training is training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.

Job skills training includes customized training that meets the needs of a specific employer, general training that prepares an individual for employment, and vocational education training that continues after the twelve-month time limit, if it fits in the definition of this activity.

#### **4.4.5 Job Search and Job Readiness**

Job search and job readiness is assistance in seeking or obtaining employment or the preparation for seeking or obtaining employment. Job search activities include making contact with potential employers, applying for vacancies, and interviewing for jobs. Job readiness activities include classes or workshops where participants can improve their employability skills. Participants learn techniques such as resume writing, workplace etiquette, interviewing, and life skills.

Job readiness activities also include substance abuse treatment, mental health treatment (including mental health treatment needed to address domestic violence), or rehabilitation activities for those who are otherwise employable.

Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional or treatment provider.

#### **4.4.6 On-the-Job Training**

On-the-job training (OJT) is training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and

that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training differs from subsidized employment in that the OJT employer receives a subsidy to help with costs associated with training. “Supported work” for individuals with disabilities is considered OJT if onsite training is included.

#### **4.4.7 Community Service**

Community service is a structured program with activities designed to improve the employability of participants not otherwise able to obtain employment and must be supervised on an ongoing basis no less frequently than daily.

Participation in Community Service enables participants with limited or no experience to learn valuable work habits and socialization skills that employers require of their workers. Community Service activities are performed with a government entity (city, county or state), or community and charitable organizations.

#### **4.4.8 Work Experience**

Work Experience is supervised unpaid work in a public-sector or private-sector setting that allows participants to develop employment/job skills and improve work habits through time-limited unsalaried job training at a clearly defined, well-supervised training site. The Work Experience definition includes unpaid internships. Unpaid internships are short-term and usually part-time worksite learning assignments with a public or private organization that enhances the participant’s employability through skill building. The participant does not receive a wage.

#### **4.4.9 Satisfactory Attendance at Secondary School**

As a condition of eligibility for TANF cash assistance, a teen parent who does not have a high school diploma or a GED will participate in this activity.

This activity is defined as high school attendance or participation in a GED preparation class.

#### **4.4.10 Providing Childcare Services to a Community Service Participant**

This is a defined, structured activity whereby a participant provides unpaid childcare to enable another TANF participant to participate in a community service program. This activity does not include providing childcare to a TANF participant participating in any activity other than community service nor allows one parent in a two-parent family provide childcare for his or her

own child while the other parent participates in community service.

## **Section 5 EXEMPTIONS AND DEFERRALS** (Revised 6/1/12)

The following individuals may be exempted or temporarily deferred from any work activity requirement:

- A parent caring for a child:
  - a. Under three (3) months of age; or
  - b. Between three (3) and twelve (12) months of age if childcare for such child is not available.

*Note:* A parent may be exempted for this reason for a maximum of twelve (12) months in his or her adult lifetime.

- An individual with disabilities (parent or caregiver)
- A woman in the third trimester of pregnancy.
- A parent or caregiver who is caring for individuals with disabilities (child relative or adult relative) living in the home.
- An individual for who support services necessary to engage in a work activity are not available.
- An individual who is unable to participate in work activities due directly to the effects of domestic violence.
- An individual unable to participate in a work activity due to circumstances beyond his or her control.
- A parent or other adult caretaker who is over sixty-(60)-years of age.

The twenty-four (24) month time limit will not apply in any month in which an individual is exempt/deferred for any of the above reasons. In addition, the following individuals may receive an extension of the time limit:

- An individual who cooperated and participated in required activities but was unable to obtain employment because of circumstances beyond his or her control.
- Other individuals for whom it is determined appropriate to extend the time limit, particularly, but not limited to, cases in which it is necessary to protect the child from risk of neglect.
- Individuals participating in education and training activities who have reached the end of their twenty-four (24) month cumulative limit on financial assistance, have complied with all TEA requirements and are within six (6) months of completing their current education or training program. However, the Local office can make an exception and provide an extension to the six months on a case-by case-basis.

### **Hardship Extensions**

Exemption or deferral from the twenty-four month time limit does not exempt an individual from the federal sixty-(60)-month time limit. Therefore, individuals who have reached the sixty-(60)-month time limit due to exemptions or deferrals from the twenty-four month time limit may receive an extension of the 60-month time limit if the individual meets one of the following hardship extension criteria:

- a. The adult has a physical or mental impairment that is too severe for Rehabilitation services and the individual has been denied SSA/SSI disability through an appeal.
- b. The adult is receiving services through Arkansas Rehabilitation Services in a sheltered workshop and ARS has stated that is the extent of activities the individual can do.
- c. The adult is receiving treatment through the Severe Barriers Project and the Severe Barriers Project team is providing case management services.
- d. The adult has been, and continues to be, unable to participate in work activities due directly to the effects of domestic violence.
- e. The adult was unable to participate in work activities due to circumstances beyond the adult's control.

## **Section 6 BENEFITS**

The TEA program provides various services and assistance to low-income families. TEA benefits may include monthly cash assistance, employment and supportive services for cash assistance recipients and Extended Support Services for certain former cash assistance recipients. In some situations, a family may be determined eligible for a diversion payment instead of regular monthly TEA assistance.

The State also has the flexibility to authorize the use of TANF funds to provide assistance or services to at-risk children or families through programs deemed consistent with the intent of federal and/or state law.

### **6.1 Cash Assistance**

#### **6.1.1 Monthly Cash Assistance Payment Amount**

The following amounts by family size are the monthly cash assistance maximums an otherwise eligible TEA family may be paid:

<b>Family Size</b>	<b>Maximum Grant</b>
1	\$ 81
2	\$162
3	\$204
4	\$247

5	\$286
6	\$331
7	\$373
8	\$415
9 or more	\$457

### **6.1.2 Cash Assistance Payment Calculation**

The above monthly amounts are not reduced by monthly countable income until a specified income trigger is achieved. When the family's monthly gross earned income plus unearned income equals the monthly equivalent of 20 hours per week of work at the September 1997 minimum wage, then the above maximum payment for the family size is reduced by 50%. Based on the September 1997 minimum wage of \$5.15 per hour, this income trigger is \$446.

### **6.1.3 Family Cap**

The cash assistance amount is not increased due to the addition of a newborn to the family. Newborn is defined as a child born while the mother is receiving TEA benefits, either for other children of her own or as a minor child herself, or who is born within nine months of the month such assistance was terminated to the mother unless the mother's case has been closed continuously for at least six (6) months.

### **6.1.4 Penalties for Program Non-Compliance**

A family's cash assistance will be reduced when the adult caretaker or a minor parent is found to be in non-compliance with the child support cooperation requirement, the work activity requirements, and/or other requirements of the Personal Responsibility Agreement.

### **6.1.5 Non-Cooperation with the Office of Child Support Enforcement (OCSE)**

When the OCSE determines that an adult caretaker or a minor parent whose cooperation is required in order to establish paternity or to obtain child support payments has failed to cooperate in those activities and so notifies the DHS county office, the non-compliance penalty will be imposed,

The non-compliance penalty is a 25% reduction of the full cash assistance payment.

The penalty may be lifted at any time upon compliance with child support enforcement requirements.

### **6.1.6 Non-Compliance with the Work Activity Requirements**

When it is determined that a person who is required to participate in work activities has failed to do so without good cause, a sanction will be imposed.

#### **Level I**

**Month 1 of Non-Compliance** — Suspension of cash assistance payment.

#### **Level II**

**Months two through four of Non-Compliance** — 25% reduction of the full cash assistance payment.

#### **Level III**

**Months five and six of Non-Compliance** — Suspension of cash assistance payment.

#### **Level IV**

**Months seven through nine of Non-Compliance** — 50% reduction of the full cash assistance payment.

**Beyond month nine of Non-Compliance** — Closure of the TEA case.

The sanction may be lifted at any time upon compliance with the work activity requirements for a period of two (2) weeks.

### **6.1.7 Non-Compliance with Other Requirements of the PRA**

When it is determined that a person who has signed a Personal Responsibility Agreement has failed to comply with any other activity required by the PRA (such as ensuring the children receive immunizations), the appropriate non-compliance penalty will be imposed. The penalty may be lifted at any time upon the receipt of proof that the particular requirement has been met.

## **6.2 Supportive Services**

Appropriate supportive services will be available to TEA family members. Such services include, but are not limited to, case management services, child care assistance, medical coverage for all Medicaid eligible family members, transportation or reimbursement for transportation costs, purchases (or reimbursements) for work related expenses, relocation assistance on a limited basis, referrals to appropriate agencies or organizations for counseling, treatment, etc, and other services deemed necessary by the DWS Workforce Specialist for successful participation by the participant.

Supportive services will be available to TEA applicants whose TEA cash assistance case previously closed due to non-compliance with a work activity



requirement. Such services include but are not limited to childcare and transportation and other services as deemed necessary by the DWS Workforce Specialist for successful compliance prior to approval of the TEA application.

The Transitional Employment Assistance Program allows for funding for the Arkansas Better Chance for School Success Program to be utilized in Arkansas' TANF program. The expenditures are utilized in accordance with the regulations provided for under the Arkansas Better Chance program.

### **6.3 Relocation Assistance**

Cash assistance to help a family move from an area of limited job opportunities to a new locality within Arkansas for full-time employment may be available on a limited basis. Before relocation assistance is provided, the person must have a bona fide offer of full-time employment in the new locality.

### **6.4 Individual Development Accounts (IDA)**

TEA recipients may establish Individual Development Accounts (IDA) for the purpose of accumulating savings, up to certain maximums specified in the State policy and procedures manual, for education for themselves or their children, small business development, home ownership, or transportation needs. Such funds will not be considered an available asset in determining the family's TEA eligibility for as long as the family receives TEA.

TEA recipients who secure employment while participating in this project will receive matching fund donations to their IDAs. Recipients who are not employed will not receive matching funds.

### **6.5 Extended Support Services**

For those families who become ineligible for continued TEA benefits due to employment, or who choose to no longer receive cash assistance due to employment, or who reach a state or federal time limit and the adult is employed, extended support services will be available as provided for by federal and state law.

Such families are deemed financially eligible for Extended Support services if they were eligible for TANF cash assistance in the month prior to case closure due to employment. Such services will include one year of extended Medicaid coverage for those who meet the eligibility criteria under federal law for such coverage and one year of extended childcare assistance at no cost with an additional year of childcare assistance based on the current Division of Child Care fee scale.

### **6.5.1 Extended Support Services — Employment Bonus**

For those families who become ineligible for continued TEA cash assistance benefits due to employment, or who choose to no longer receive cash assistance due to employment, or who reach the state or federal time limit and the adult is employed, an Employment Bonus cash payment will be made to such family provided a bonus payment has not already been made to the family in the preceding twelve (12) months. The purpose of such payment is to help the employed adult meet employment related expenses, until he or she has received a full month's earnings. It is expected that this one-time bonus payment will help enable the adult to maintain his or her employment.

The Employment Bonus will not count toward the adult's maximum twenty-four month limit.

### **6.5.2 Extended Support Services – Transportation Bonus**

For those families who become ineligible for continued TEA cash assistance benefits due to employment, or who choose to no longer receive cash assistance due to employment, or who reach the state or federal time limit and the adult is employed, one month of Extended Support Transportation assistance will be made to the family. The payment will assist the family in meeting transportation costs in the first month following termination of TEA cash assistance.

The Extended Support Transportation payment will not count toward the adult's maximum twenty-four month limit.

### **6.5.3 Extended Support Services - Job Retention**

For those families who become ineligible for continued TEA cash assistance benefits due to employment, cash payments for the purpose of enabling the adult to retain his or her job may be made during the twelve-month period following the closure due to employment.

The Extended Support Job Retention payments will not count toward the adult's maximum twenty-four month limit.

### **6.5.4 Extended Case Management Services**

Extended Case Management Services are provided to an individual whose case closes due to employment for up to twelve months following case closure. Periodic contacts are made with the employed person to ensure that necessary support services are being received and to make appropriate referrals if necessary.

## **6.6 Diversion Payment**

A diversion payment may be provided to an otherwise eligible TEA family in certain specified circumstances so that the family does not come on to regular TEA cash assistance. To qualify for diversion, the adult caretaker must meet the following conditions:

- a. Have a minor child living in the home;
- b. Be currently employed but having a problem that jeopardizes the employment; or
- c. Be promised a job but needs help in order to accept the job (e.g., needs car repairs, uniforms, etc.)
- d. Has never received a diversion payment;
- e. Agree to forego any TEA benefits for a period of 100 days.

The diversion payment will be the actual cost of what it would take to resolve the problem up to a maximum equal to three (3) months of what the monthly TEA cash assistance would have been for the family size. Under Arkansas State Law, a diversion payment is considered a loan. If not repaid, it will count toward the adult's maximum time limit of twenty-four (24) months.

## **6.7 Treatment of New State Residents**

The same benefits will be available to new residents of Arkansas as are available to all other Arkansas residents.

## **Section 7 OFFICES OF CHILD SUPPORT ENFORCEMENT (OCSE)**

### **7.1 Assignment**

In accordance with Arkansas State Law, child support rights are assigned to the State when an individual accepts Transitional Employment Assistance.

### **7.2 Good Cause Determinations**

The Division of County Operations within the Department of Human Services will make the good cause determinations for nonparticipation in child support activities.

### **7.3 Exchange of Information**

The exchange of information between DHS and OCSE will be system generated and/or by written notice.

### **7.3.1 Department of Human Services to the Office of Child Support Enforcement**

The Department of Human Services will refer recipients of Transitional Employment Assistance to the Office of Child Support Enforcement for participation in child support activities by a system-generated notice upon certification of assistance.

### **7.3.2 Office of Child Support Enforcement to the Department of Human Services**

The Office of Child Support Enforcement will notify DHS when paternity has been established; a recipient has not cooperated in the establishment of paternity or other child support activities and when child support collected exceeds the cash assistance amount.

The Office of Child Support Enforcement will make available to DHS employer reported New Hire data.

## **Section 8 PARENTAL RESPONSIBILITIES**

The Transitional Employment Assistance program will encourage parental responsibility through various elements of the program.

### **8.1 Personal Responsibility Agreement**

As a condition of the family's eligibility for TEA, the adult caretaker and/or minor parent must sign a Personal Responsibility Agreement (PRA) as a part of the application for assistance. The PRA lists the adult's and/or minor parent's responsibilities relative to receiving TEA assistance as well as responsibilities directly related to the wellbeing of the children. These responsibilities include but are not limited to ensuring that school-age children attend school, that the children receive immunizations at the appropriate ages, and that all reasonable efforts to establish paternity and obtain child support are made.

### **8.2 Focus on Employment**

The primary focus of the TEA program is to move the parent into employment that will lead to self-sufficiency for the family and increased parental responsibility. This focus is stressed from the first contact with the participant and employment focus continues throughout the time the family receives assistance.

### **8.3 Plan to Reduce Unwed Births and Teenage Pregnancy**

#### **Introduction**

Unmarried birth prevention should be viewed as a process, not a program, involving multiple strategies and multiple agencies in a sustained effort. The rise in unwed births is an urgent social problem that resists easy solutions. Arkansas' approach is multifaceted with four major components:

- Abstinence programs using funding in the welfare reform act
- Improved access to family planning services statewide
- Community-based efforts in targeted counties
- Two state level steering committees to coordinate the efforts

#### **Abstinence Programs**

Arkansas Act 1705 required the establishment of the Community Investment Initiative to provide services to children, adults, families, and parents.

The TANF-funded Community Investment Initiative includes a component designed to improve outcomes for youth. These outcomes include reducing risky behaviors such as sexual activities, drug use, and criminal behavior.

Partnerships are formalized with community and faith-based organizations through the award of TANF-funded contracts on an annual basis.

These community partnerships recognize the reduction of out-of-wedlock births as a priority and have developed programs that include strategies to enhance educational attainment, reduce teenage pregnancies, and reduce the incidence of criminal behaviors by participating youth.

Services offered by providers meet TANF Goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies by providing prevention and intervention programs for students who live in poor communities and/or show evidence of academic underperformance, dropping out, or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, or imprisonment.

#### **Improved Access to Family Planning Services**

Arkansas Act 1705 required the establishment of the Community Investment Initiative to provide services to children, adults, families, and parents.

The TANF-funded Community Investment Initiative includes components designed to improve parenting and family functioning through services and support to parents, children, and to families. Additionally, this initiative addresses improving marriage and relationship skills among youth and engaged and married couples.

Partnerships are formalized with community and faith-based organizations through the award of TANF-funded contracts on an annual basis.

Services offered by providers meet TANF Goal 4, to encourage the formation and maintenance of two-parent families.

These community partnerships recognize the importance of both family planning as well as enhanced family functioning.

### **Education and Training on Rape Prevention**

The Arkansas Commission on Child Abuse, Rape, and Domestic Violence (ACCARDV) of the University of Arkansas for Medical Sciences (UAMS) and the Arkansas Department of Health (ADH) are authorized to allocate and administer funds for Sexual Violence Prevention and Education through a cooperative agreement with the Centers for Disease Control and Prevention (CDC).

These funds strengthen sexual violence prevention and education efforts through the provision of grants to community-based organizations to provide comprehensive sexual violence primary prevention aimed at preventing the initial occurrence of sexual violence.

Programs funded across the state solicit the assistance of community organizations to provide sexual violence prevention and education to youth, at-risk youth, and adults. These programs are designed to change attitudes, beliefs, and behaviors that allow sexual violence to occur.

Educational programs are available to specific populations, including males, Hispanics, African Americans, and persons with disabilities.

### **Statutory Rape Prevention and Education**

In Arkansas, a person commits rape if he or she engages in Sexual Intercourse or Deviate Sexual activity with another person:

1. By forcible compulsion; or
2. Who is incapable of consent because he or she is physically helpless, mentally defective, or mentally incapacitated; or
3. Who is less than 14 years of age; or actor is more than 3 years older

than victim who is a minor; or actor is more than 3 years older than victim and the actor is the:

- a. Victim's guardian
- b. Uncle, aunt, grandparent, step-grandparent, grandparent by adoption
- c. Brother, sister or the whole or half-blood or by adoption
- d. Nephew, niece or first cousin

The Arkansas Commission on Child Abuse, Rape, and Domestic Violence serves as the lead entity in administering an educational and training effort to increase the awareness sexual abuse, including statutory rape.

In 2007, the Arkansas Sexual Violence Primary Prevention Comprehensive Planning Team was formed by the Arkansas Commission on Child Abuse, Rape and Domestic Violence and the Arkansas Department of Health through the Center for Disease Control (CDC) and Injury Prevention's Rape Prevention and Education (RPE) Cooperative Agreement. The planning team conducted a comprehensive assessment of sexual violence prevention efforts in the state to articulate a vision and broad goals for Rape Prevention in Arkansas.

Additionally, each year the Centers for Disease Control provides funds to the state for Rape Prevention Activities through which the Commission awards contracts to local entities across the state to provide sexual violence, including statutory rape, training.

The Department of Human Services and Arkansas State Police maintain a contractual agreement that jointly maintains the Family Protection Unit, now known as the Crimes Against Children Division (CACD). The CACD is composed of two sections: 1) the Child Abuse Hotline, and 2) specially trained civilian and law enforcement officials who assess child maltreatment reports. Again, these child maltreatment assessments include sexual abuse (statutory rape) reports. The CADC maintains an around-the-clock statewide intake process (Child Abuse Hotline) for accepting reports of alleged child maltreatment.

Finally, the Arkansas Commission on Law Enforcement Standards and Training requires all law enforcement officers to complete a minimum of twenty (20) hours of training concerning sexual assaults as a part of the basic police training course curriculum.

## **State Steering Committees**

Separate Steering Committees are currently in place to provide input and direct the State's Abstinence and Unwed Birth Prevention initiatives.

The Governor's Abstinence Education Steering Committee, composed of ten members appointed by the Governor, was established by Executive Order of the Governor. This committee provides input regarding abstinence education programs on a statewide basis.

The Unwed Birth Prevention Steering Committee is a legislatively appointed committee of twenty members. This committee provides oversight and makes recommendations regarding the Unwed Birth Prevention Program.

## **Section 9 GENERAL PROGRAM ADMINISTRATIONS**

### **9.1 Nondiscrimination**

In accordance with Transitional Employment Assistance (TEA) Policy 2002, no person shall be prevented from participation, be denied benefits or be subject to discrimination on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin. The Division will comply with the provisions of the Civil Rights Act of 1964.

The Division has the responsibility of informing applicants and recipients that assistance is provided on a nondiscriminatory basis and of their right to file a complaint with the agency or federal government if they think that discrimination has occurred on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin.

### **9.2 Safeguarding Information**

It is unlawful, except for purposes directly connected with the administration of the Transitional Employment Assistance program, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of names, or any information concerning persons applying for or receiving such assistance. This includes information from the records, papers, files or communications of the State or Local or County Office; or information acquired in the course of the performance of official duties.

Information concerning an applicant, recipient, or other persons known to the Division will not be made available without the written consent of the applicant, recipient, or other persons known to the Division except to authorized employees of the Division of Workforce Services and Department of Human Services and other state or federally funded agencies for certain purposes



directly connected to the implementation of the program or other federally funded programs based on need.

### **9.3 Appeals & Hearings**

A ten-day advance notice will be sent prior to adverse action being taken on a TEA case. The recipient will be allowed to appeal the adverse action if he or she responds within the 30-day time period. Continuation of benefits will be granted provided the appeal was received within 10 days from the date of the notice. The Department of Human Services shall administer and conduct hearings in accordance with the Arkansas Administrative Procedures Act 25-15-201 et seq.

### **9.4 Program Manuals**

The Transitional Employment Assistance Manual will be available to the public at a cost determined by the Division of Workforce Services and Department of Human Services. If an entity wants to view the manual, it will be made available at no cost.

## **Section 10 FRAUD CONTROL**

### **10.1 Intentional Program Violation (IPV) Disqualification**

The family of any individual who pleads guilty or nolo contendere to, or is found guilty of, an Intentional Program Violation in the Transitional Employment Assistance program will be ineligible for further participation in the program for the following minimum time periods:

- a. For the first offense, one (1) year.
- b. For the second offense, two (2) years.
- c. For more than two, permanently.

In addition, the family will continue to be ineligible for TEA assistance until the resulting overpayment (e.g., the total amount of assistance received to which the family was not entitled) has been repaid to the State with interest. The Director of the Division of County Operations or their designee may waive this requirement.

### **10.2 Fraudulent Misrepresentation of Residence**

The family of an individual who is convicted in a Federal or State court of having made a fraudulent statement or misrepresentation of residence in order to receive assistance simultaneously from two (2) or more states will be ineligible to receive Transitional Employment Assistance for a minimum period of ten (10) years beginning with the date of such conviction.

In addition, the family will continue to be ineligible for TEA assistance until the resulting overpayment (e.g., the total amount of assistance received to which the family was not entitled) has been repaid to the State with interest. The Director of the Division of County Operations or their designee may waive this requirement.

## **Section 11 WORK PAYS**

Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. Work Pays may be limited to 3,000 families.

### **11.1 Eligibility Criteria**

To be eligible for Work Pays, an individual must meet the following requirements:

1. Be employed at least thirty (30) days prior to the date of the Work Pays application;
2. Have care and custody of a related minor child, including family cap child (TEA Policy 2150.1) and child receiving SSI;
3. Be a resident of the State of Arkansas;
4. Meet the citizenship or alienage requirement (Refer to TEA. 2220);
5. Apply for Work Pays within six (6) months of TEA case closure;
6. Received TEA cash assistance for at least three (3) months, including months of deferral. These months do not have to be consecutive. Months from other states do not count;
7. Have not received more than twenty-four (24) months of Arkansas Work Pays Program benefits;
8. Meet Work Hours Requirement;
  - For initial eligibility — was engaged in paid work activities for a minimum of twenty-four hours per week for the past month and met the federal participation rate for the past month;
  - For on-going eligibility — must be in paid work activities for a minimum of twenty-four (24) hours per week and meet the federal participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months.
9. Have income below the federal poverty level for the family size, including family cap and SSI children - who are counted in the household size when determining FPL even if they are not included in the budget unit;
10. Comply with the Work Pays Personal Responsibility Agreement;
11. Comply with the Office of Child Support Enforcement (OCSE)

- requirements, including assignment of support and cooperation in establishing paternity and/or support unless good cause exists.
12. Comply with drug screening and testing requirements.

Note: If a participant has reached or exceeded the 60-month federal time limit when applying or reapplying for Work Pays, the application will be denied.

## **11.2 Payment**

Families participating in Arkansas Work Pays will receive a monthly cash assistance payment in the amount of \$204 regardless of family size for up to 24 months. The twenty-four months will count toward the federal 60-month time limit but not the State's TEA 24-month limit. The \$204 payment may be reduced if the participant is found to be in non-compliance with work requirements and/or child support enforcement requirements.

An individual will be given an extension to the federal time limit while participating in Work Pays.

## **11.3 Work Pays Bonus**

A Work Pays participant will receive an incentive bonus in the following increments if he or she fully participates (i.e., at a level that meets the federal work requirement).

Third consecutive month - \$400 Earnings Bonus

Additional six (60 consecutive months - \$600 Earnings Bonus

Twenty-Fourth month - \$800 Earnings Bonus

Exit Bonus (Income Exceeds 150% of FPL) - \$1200

*Note:* The Exit Bonus can be paid at any time the case closes due to income exceeding 150% of the federal poverty level.

## **11.4 Noncompliance**

The Work Pays payment will be reduced by 50% in any month the Work Hours requirement is not met without good cause.

## **11.5 Supportive Services**

Appropriate Job Retention services will be available to Work Pays participants.

## **Section 12 ADDITIONAL USES OF TANF FUNDS**

In addition to the program described in this Plan which provides cash assistance and supportive services to needy families meeting the financial criteria contained herein, the State of Arkansas also intends to use TANF Block Grant funds and State Maintenance of Effort (MOE) funds to provide other services which are reasonably calculated to accomplish the purposes outlined in Section 401 of the Social Security Act (42 USC 601 et seq).

### Emergency Assistance

The State uses TANF only funds for emergency assistance activities that were previously authorized as of September 30, 1995, under the AFDC Emergency Assistance State Plan. No State MOE funds are used for these activities.

The Arkansas Department of Human Services, Division of Children and Family Services provides services to a needy family who has insufficient resources immediately available to alleviate an emergency situation. An emergency situation is defined as a family member at risk of maltreatment. For families who are experiencing an emergency situation, the Division provides a maltreatment assessment of the family needs. This assessment will not affect the eligibility or the benefits that are due a family under the TEA program.

### Arkansas Better Chance

Arkansas provides funding for the Arkansas Better Chance for School Success Program to be utilized in Arkansas' TANF program. The expenditures are utilized in accordance with the regulations provided for under the Arkansas Better Chance program. The Arkansas Better Chance Program serves children from families with gross income not exceeding 200% of the FPL.

A determination was made by ACF in 2004 that the Arkansas Better Chance for School Success was not part of the state's "generally available" education system at that time. Based upon the most recent available data, the percentage of Arkansas children that could be served with this funding is approximately 42%.

These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by placing children in learning environments at the pre-school level to foster an interest in learning, increase literacy levels and increase the likelihood of developing responsible behavior.

### Childcare MOE

In accordance with the Federal Regulations governing the TANF program, expenditures of State Funds in TANF may count if they are made for specific types of benefits or services for TANF-eligible families.

Arkansas claims State expenditures in the Department of Human Services – Division of Child Care and Early Childhood Education (DCCECE) program to provide benefits in accordance with federal requirements at 45 CFR Part 263.3:

- a. State Funds expended to meet the requirements of the CCDF Matching Fund,
- b. Childcare expenditures that have not been used to meet the requirements of the CCDF Matching Fund or any other Federal childcare program, and
- c. The childcare expenditures were made to or on behalf of eligible families.

These expenditures are not utilized by any other Federal program as Maintenance of Effort (MOE).

### **Section 13 ARKANSAS CAREER PATHWAYS INITIATIVE**

In January 2003, the Arkansas Association of Two-Year Colleges (AATYC), together with the Southern Good Faith Fund (SGFF), the Governor's Office, and other partners, were awarded a grant from the National Governors Association's Center for Best Practices as part of their Pathways to Advancement initiative.

This initiative worked to assist states to develop strategies for improving educational attainment for low-income and low-skill adults. These organizations piloted the first career pathways effort in partnership with Southeast Arkansas College.

Following the pilot, the state Arkansas Transitional Employment Board (ATEB) and the Arkansas Department of Higher Education (ADHE) decided to replicate the pilot at other two-year colleges across the state. SGFF and AATYC worked with ADHE to build support among state policymakers to develop a state initiative – the Arkansas Career Pathways Initiative.

The Arkansas Career Pathways Initiative was designed to address the TANF Program's Purpose #2 - End dependence of needy parents by promoting job preparation, work and marriage. This initiative is funded through the use of federal TANF Program funding.

The initiative was codified in Arkansas Act 1705 of 2005, which required that ADHE, the Arkansas Division of Workforce Services (ADWS), and the Arkansas Workforce Investment Board (AWIB) jointly develop the initiative.

Arkansas Act 514 of 2007 further defined the Career Pathways Initiative as:

- Increasing the access of low-income parents and other individuals to education credentials that qualify them for higher-paying jobs in their local areas;
- Improving the preparedness of the Arkansas workforce for high skill and high-wage jobs;
- Developing training courses and educational credentials after consulting local employers and local workforce boards to identify appropriate job opportunities and needed skills and training to meet employers' needs;
- Providing resources on the basis of performance incentives, including participants':
  - Enrollment in courses;
  - Completion of courses;
  - Obtainment of jobs in targeted job categories; and
  - Employment retention in targeted job categories.

### **13.1 Program Design**

Arkansas Career Pathways is designed to meet the needs of low-income parents and non-traditional students to gain skills that lead to self-sufficiency by providing them access, at no cost, to educational, work-based programs offered through two-year colleges and technical institutions.

### **13.2 Eligibility**

In accordance with current state law, Career Pathways uses available Temporary Assistance for Needy Families funds for participants who have custody or legal responsibility for a child under twenty-one (21) years of age and whose family income is less than two hundred and fifty percent (250%) of the federal poverty level.

Services provided under the Career Pathways Initiative are considered non-assistance.

### **13.3 Participant Requirements**

All current Transitional Employment Assistance (TEA) clients participating in the Career Pathways Initiative are required to meet mandatory work requirements along with their educational activities. All work supports, including childcare, are available.

### **13.4 Available Services**

Career Pathways Initiative participants receive the necessary services for

the completion of their programs. These services include: tuition, fees, books, childcare, transportation, and other non-recurrent support.

The support services provided to Career Pathways Initiative participants are not considered “assistance,” as defined in federal TANF Guidelines.

All participants are required to apply for Pell Grants for which they are eligible. These funds must be exhausted prior to the use of TANF funds.

#### **Section 14 TANF NONRECURRING SHORT-TERM BENEFITS (NRST)**

Unemployment Insurance claimants receiving weekly unemployment benefits in the amount of \$100 or more, were eligible for Lost Wages Assistance (LWA) per an Executive Order signed by President Trump on August 8, 2020 and as approved for the State of Arkansas by the Federal Emergency Management Agency (FEMA) on August 26, 2020. Over a period of 6 weeks, LWA provided \$1800 to eligible individuals in addition to their weekly benefit amount of \$100 or more (assistance totaling at least \$2400).

To utilize existing federal funding sources during the Pandemic for Arkansans, a provision was available through the TANF program called non-recurring short term (NRST) benefits without utilizing the State’s current TEA cash assistance program. The TANF Non-Recurring Short-Term benefits program (NRST) is a special initiative that provides federal funds to Unemployment Insurance claimants who are ineligible for LWA due to receiving unemployment benefits that are less than \$100 per week. The TANF NRST lump sum payment totals \$2400 (essentially \$300 /week over 8 weeks), in order to meet the minimum dollar amount provided to LWA-eligible UI claimants.

Eligibility for TANF NRST is determined by Local Workforce Development Boards based on the following:

Unemployment Insurance claimants must:

- Be eligible for state/federal unemployment benefits;
- Receive unemployment benefits of less than \$100/week; AND
- Demonstrate a need for assistance.

The need for assistance may be demonstrated by any of the following:

- The claimant is unable to work due to contracting COVID-19, leading to lost wages.
- Children’s school or childcare provider is closed due to COVID-19.
- The claimant’s workplace is closed due to COVID-19.
- The claimant needs rent/mortgage assistance due to COVID-19.
- The claimant needs utility assistance due to COVID-19.
- The claimant lost housing due to COVID-19.

- Similar circumstances not directly related to COVID-19 that demonstrate a crisis or need for assistance, such as but not limited to:
  - Having a family income less than 200% of the Federal Poverty Level
  - Being the custodial parent of a child under the age of 18
  - Being a pregnant woman
  - Being fully/partially unemployed due to disruptions caused by the COVID-19 pandemic.

## **Section 15 -Reserved**

## **Section 16 –Reserved**

## **Section 17 – Reserved**

## **Section 18 – KINSHIP CAREGIVERS SERVICES PROJECT**

Arkansas Act 1705 of 2005 required the use of TANF funds, effective January 1, 2006, for the purpose of providing services to the TANF Program’s “child-only” cases. These services are designed to assist low-income families through services and support provided to relative caregivers and children associated with TANF “child-only” cases.

In February 1, 2006, the initial “Kinship Caregivers Service Project began. Since implementation, federal TANF funds, in varying amounts, have been used for this project annually.

These services meet TANF Purpose 1 to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.

### **18.1 Eligibility**

Services under this project are restricted to child-only cases in the Arkansas TEA program. For purposes of this project, a kinship caregiver is considered to be a relative to the 5<sup>th</sup> degree of a minor child whether the caregiver is married, unmarried or never married.



## 18.2 Program Design

Family stabilization, strengthening, and preservation activities are provided to both the child and caregiver, strengthening the family formation process for the caregivers and the children.

These services are designed to support the participants' understanding of their respective roles in the caregiver/child relationship.

Specific services provided under this project include:

- Initial Assessments;
- Family stabilization, strengthening and preservation activities;
- Literacy, Educational, Tutoring, and Mentoring activities;
- After school Enrichment and Physical Fitness activities;
- Absent Parent Therapeutic Healing activities;
- Caregiver Respite activities; and
- Legal Guardianship services.

## Section 19 – ELECTRONIC BENEFITS TRANSFER (EBT) TRANSACTIONS

The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96). Section 4004 of the Act requires States (but does not require Tribes) to prevent the use of Temporary Assistance for Needy Families (TANF) assistance in electronic benefit transfer (EBT) transactions at specified locations. In particular, the law requires States receiving TANF grants “to maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.” The law defines an electronic benefit transfer transaction as “the use of a credit or debit card service, automated teller machine (ATM), point-of-sale (POS) terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.”

The State Plan also must include an explanation of how the State plans to ensure that (1) recipients of the assistance have adequate access to their cash assistance, and (2) recipients of assistance have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

## 19.1 Implementation Steps

The Division of Workforce Services implemented the following steps to restrict the use of TANF EBT cards at the specified establishments. These steps included:

Step One – Establishment Identification:

- Documentation of those establishments identified as “liquor stores” by the Alcoholic Beverage Control (ABC) Enforcement Division.
- Documentation of those establishments identified as “gaming establishments” by the Arkansas Racing Commission.
- Documentation of those establishments identified as “adult entertainment establishments” by the Alcoholic Beverage Control (ABC) Enforcement Division

It must be noted that “casinos” are legally allowed to operate in the following counties in the State of Arkansas: Crittenden, Garland, Jefferson, and Pope. Two establishments, Southland Greyhound Park and Oaklawn Racing and Gaming, are statutorily allowed to have gaming on their premises in addition to dog and horse racing.

Additionally, casinos are located in the adjoining states of Oklahoma, Louisiana, and Mississippi. These casinos have been identified and transactions in these establishments will be monitored.

Step Two – Federal Restrictions - Merchant Notification:

- Sent a letter to the Alcohol Beverage Control (ABC) Enforcement Division soliciting their assistance in informing establishments of the federal restrictions regarding the use of TANF EBT cards in their locations.

Step Three – Federal Restrictions - Participant Notification:

- Sent a letter to all current TANF participants advising them of the federal restrictions regarding the use of TANF EBT cards in these locations.
- Incorporated information regarding the federal restrictions on the use of TANF EBT cards in the initial assessment process for all new TANF participants. Additionally, participants were required to sign an acknowledgement that they were aware of the EBT restrictions as well as the consequences for utilizing their EBT cards at restricted establishments.

Step Four – Federal Restrictions - Staff Notification:

- Developed and delivered training for DWS TANF staff regarding the Federal Restrictions.

Step Five – Development of Program Policies

- Developed TANF Program policies that addressed the following:
  - Penalties for clients who uses or accesses TANF cash benefits in an EBT transaction in a prohibited location.
  - Penalties for merchants/establishments that allow prohibited EBT transactions.
  - Process by which agency staff that becomes aware of prohibited EBT transactions to report such transactions.

Step Six – Development of EBT Transactions Monitoring

- Developed and deployed EBT Transactions monitoring activities will continue within the existing DWS TANF Unit activities.

## **19.2 Ensuring Reasonable Access to TANF EBT**

The implications for restricting TANF benefit access at inappropriate locations is a reduction in the number of cash access locations available to EBT cash recipients. This is especially true in rural locations that have very few alternatives for cash access.

While use of or access to TANF benefits in an EBT transaction is limited as described above, the Division is also required by federal law to ensure TANF participants have adequate access to their cash benefits. “Adequate access” to TANF benefits is determined on a case-by-case basis and may vary depending on individual participant strengths and barriers, including access to transportation.

When a TANF client expresses concern with access to their cash benefits or a worker determines a TANF participant does not have adequate access to benefits, the Division will take reasonable steps to ensure adequate access for the participant. Reasonable steps do not include granting EBT withdrawals at one of the prohibited establishments.

## **19.3 EBT Card Access Fees and Charges**

Currently, TANF participants may use an ATM two times per month for free. Some ATMs and retailer POS terminals may surcharge their

accounts. A surcharge is different from a transaction fee and may or may not be charged by a bank or retailer each time the TANF participant utilizes their card to access their cash benefits. There will be a warning about this fee. TANF participants do not have to pay the fee if they choose not to get their cash at locations where the fee is charged.

Some ATMs and most retailer POS terminals do not surcharge. TANF participants are encouraged to find a location that does not surcharge.

After the second cash withdrawal, TANF participants are charged a transaction fee. If they do not have a sufficient remaining balance in their account to pay this fee, the transaction will be denied.

# ATTACHMENT 1

