TANF Rule Implementing the DRA

Moderator: Stephanie Wofford
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1:00 pm CT

Operator: Ladies and gentlemen, thank you for standing by and welcome to the TANF Rule Implementing the DRA Conference Call.

During this presentation all participants will be in a listen only mode. If at any time during this presentation you need to reach an operator, please press start then 0. As a reminder this conference is being recorded Monday, February 11, 2008.

I would now like to turn the conference over to the OFA Central Office. Please proceed.

Lisa Washington-Thomas: Good afternoon. My name is Lisa Washington-Thomas and I'm the Federal Project Officer of the Peer Technical Assistance Network. Thank you so much for joining us and we are here with the authors and contributors of the TANF Final Rule.

Joining us today is (Sidonie Squier), the Director of the Office of Family Assistance, (Katherine Bradley), the Associate Director of the TANF Bureau as well as Julie Siegel, (Peter Germanis), (Elaine Richman) and (Patrick Brannen).

They will – I will now turn the conversation over to them as they explain the changes – the major changes – from the Interim Final Rule to the Final for the Temporary Assistance for Needy Families (service).

First we'll go to Jen McHenry who will explain the mechanics of the Webinar.

Jennifer McHenry: Thanks Lisa. You guys should be seeing on your slides right now a picture that looks a lot like your screen. This is to show you how you can ask questions throughout the presentation.

So if somewhere around Slide 4 you have a question that you just can't keep to yourself, what you're going to do is you're going to type it in this line that just got highlighted below.

When you're ready to ask that question, you've phrased it like you want it, you're going to hit the Ask button to the right. What that's going to do is that's going to send the question to us. We're going to collect these questions and then after the presentation, we're going to have a short break.

Don't hang up the phones but feel free to get a cup of coffee and come back. And we're going to answer questions at that point.

Thanks. We'll turn it over to Lisa.

Lisa Washington-Thomas: Thank you Jen. And the next question on the agenda is (Peter Germanis) who will start us off.

(Peter Germanis): Okay, hello everyone. What we'll do is walk you through the slides about the TANF Rule implementing the Deficit Reduction Act.

As you know, this rule was published on June 29, 2006 and in response we got nearly 500 comment submissions with about 1,000 specific comments. We were – considered all of the comments and were persuaded by many of them and as a result we made a number of changes to the Final Rule.

And in this session we're going to summarize the main changes we made to the Rule. We're going to focus on the changes that we did make not the changes that were suggested and we didn't make because we want this session to focus on helping you implement the new rule.

Just by way of background, the Deficit Reduction Act charged us with several things, one, to define what constitutes work; two, to create uniformed methods for reporting work hours; three, to (effect) documentation standards to verify reported hours; four, to determine when parents should be in the work participation rate calculation; and last, to establish and maintain work verification for future as internal control.

We included this (law) just to remind everyone what our charge was in regulating the DRA.

Okay, the first thing we're going to talk about is work activities. And as we go through each of the slides, we'll only go over the work activities where we have made some significant changes.

We've also gotten a number of key questions in advance, so to the extent, for example, we have questions related to job search, we'll go over those questions and our answer when we discuss that particular topic in the slide show. Now we may not answer all the questions you have on that topic, so please feel free to send in additional questions.

The general principles we've used in defining work activities remain unchanged. We wanted to make sure we had consistent measurement of work participation rates across states that have common sense definitions and we tried to give states maximum – state flexibility within those limits. So that didn't change.

The first major work activity where we did make significant changes was job search and job readiness assistance. As you know, the statute limits jobs search and job readiness assistance to six week and many states argue – and many other commenters – that this oftentimes didn't get the flexibility to allow participation in short-term activities that mainly would (allow) a few hours of participation a week because that would lead someone to use up their six week limit pretty fast.

Many commenters recommended an hourly equivalent which we adopted and that equivalent is 20 hours counts as one week for those individuals for 20 hours per week requirement. For those individuals that have a 30 hour per week requirement, that's 30 hours.

So the six weeks – and that's been transformed into 120 hours or 180 hours per work-eligible individuals. Now about half – a little more then half the states actually qualify for 12 weeks of job search and job readiness assistance. And in those states, individuals would be – a state could count an individual for up to 240 hours or up to 360 hours in the preceding 12 month period.

And the preceding 12 month period has never changed from the previous rule and – which defines the six week limit over the course of the fiscal year. It now will be measuring the six week limit over the preceding year to make it consistent with a number of other provisions that involve looking back at how long someone's used the (unintelligible) disregard or excused absences or what have you.

Now we got a number of questions on this already so I'll read the questions and give you our answer. And then if you have additional questions, please (slide) in.

Okay, the first question is, what is the advantage of counting hours for job search/job readiness if the limits are in weeks? We still have to count weeks with the four consecutive weeks limit.

Okay, as I discussed before, the main advantage of converting to hours is that it gives states considerably more flexibility to count people who only need a few hours of job search/job readiness assistance.

For example, if someone goes to AA for two hours a week, under the old way of counting things, after six weeks, they wouldn't be able to be counted anymore. Under our current – or the new method, states will be able to count that as 12 hours. That won't even equal one week toward the six week limit.

Now we checked the four consecutive week limitation as a weekly limitation because we couldn't see how that could be converted to hours and that still have meaning to the term, "four consecutive weeks." So that limit stays as it has been.

The next question is, the final rule specifies that hours of job search/job readiness assistance are not includable in the monthly work participation rate calculations if the person had six federally counted weeks in that activity during the proceeding 12 months period. Does this mean that nobody can have countable hours in job search/job readiness assistance for the October, 2008 work participation (rate) if they were counted for six weeks in fiscal year 2008, the 12 month period preceding October, 2008?

In effect, this rule goes into effect in fiscal year 2009 and we don't expect states this year to keep track of both weeks and hours. So for purposes of

counting the six week limit, the 120 or 180 hours, or whatever it is, that counting will begin October 1, 2008, the start of fiscal year 2009.

The next question is, in the preamble section, three or four days as a week participation, it says that the state can apply the average hours that an individual participates during three or four days to the remaining days in the week. This seems to conflict with the HHS's overall standard that all hours of participation must be actual not scheduled.

But before finishing the question let me just point out that this is a special statutory section in the Social Security Act Section 40722Aii. So we had to develop a provision – well, a regulatory provision for that part of the act.

The question goes on to say, if a state chooses to use the average of three to four days to calculate participation with the remaining days, what kind of documentation is required to show that the state used this method and didn't rely on actual hours?

Okay so the answer to that is the state should be able to show the actual hours for that week with a notation in the case file but for purposes of reporting the hours of participation, they can use the prorated hours.

So for example, if you have a work-eligible individual who participates 15 hours over three days in one week, that's an average of five hours a day. The state can apply this average of five hours to a five day work week and report 25 hours for that week and they can do this once a year basically.

Now because this is a job search/job readiness provision and there is a limit of 120 or 180 hours, the prorated hours – 25 hours that are prorated we see that would count against that limit.

Next question – oh yes – please clarify counting the six weeks of job search/job readiness. For example, if a person with a child over six at 15 hours one week and then 15 hours the following week, does that count as one of the weeks of job search? Or because she did not meet the threshold in either week, does it count as (unintelligible) weeks?

Now in this case because the person has a youngest child that's six – over six or older, we have a 30 hour requirement and if they reported 15 hours of job search one week and 15 hours the next week, then that would count as 30 hours or for that person that would be one week of participation.

Now if the person didn't meet the minimum standards to count in the rate, the state may instead choose to count those hours under other work activity or not report those hours. Or if they are reported for participation (rate) (unintelligible) for not work counted, the two individual weeks for 15 hours would add up to one week for the job search/job readiness six week limit.

Now the next question, how is the hourly limit intended to apply to families with two work-eligible individuals? Okay, under the final rule, each individual gets their own set of hours. Since this is a two-parent family, each individual would get 100 – and they have (unintelligible) overall work requirement, each individual would get 180 hours of – or they could count up to 180 hours for each work-eligible individual.

The question goes on, work requirements for two-parent families could be met by participation by one parent or by a combination of participation by both parents. If only one parent is participating, are they limited to 180 hours? And the answer to that is yes, each parent gets 180 hours. One parent did give their hours to the other parent.

Julie Siegel: Just in the same way that each individual has six weeks when we were looking at it without the hourly conversation.

(Peter Germanis): Thank you Julie Siegel.

Julie Siegel: You're quite welcome (Peter Germanis).

(Peter Germanis): Okay, next question. How should states handle and how will participation rate calculation change if changes in family circumstances alter the hourly limit, for example, if a single parent's child turns six or leaves the household or if a child under six joins a single parent household that did not previously have a child under six?

So basically what this question is getting at is, let's take the first example, that the youngest child turns six. Well in that case, the family would've been eligible, assuming they had a six-week limit in the state for 120 hours. When the child turns six, the family's work obligation goes from 20 hours to 30 hours so the limit on job search would be increased also from 120 to 180 hours.

Now suppose a family has a new child born into the family. They previously didn't have any kids under six and now they do. Their requirement would go from 30 hours down to 20 hours so the amount of job search that the state could count on behalf of that family would drop from 180 hours to 120 hours in the preceding 12 months.

And when we look at this provision, as we explained in a PI that we issued in 2006, we look at what a state is eligible for on a particular (unintelligible) in this case, when an individual's circumstances are and if they change month by

month, the number of allowed job search hours might change as well depending on how their situations change.

Now it may be the case, for example, with a child under six coming into the household, the family had been counted for 180 hours so they'd be well above the 120 hour limit for that family but that wouldn't be considered a program violation because in the month that, you know, their hourly requirement went to 120 hours as long as they weren't counted in any additional job search, the state would be fine.

Anyway, there're a number of questions related to job search. If we haven't touched on questions you have or if you want more clarification, please send that in. And with that I'm going to move on to the next slide – vocation or educational training.

We got a lot of comments asking us to count participation in a Bachelor's degree or advanced degree program. We had initially based our definition of vocational or educational training on what the Department of Education had been using, and during the comment period, the definition changed to allow Bachelor's or advanced degrees so we changed our definition accordingly.

Another change was, if ESL and basic education the interim final rule said that these programs could be integrated into (unintelligible) as long as they were necessary and a regular part of the activities, and also if they were limited duration.

But since (unintelligible) itself is limited to 12 months per lifetime and we received an number of comments, we decided to eliminate the limit of limited duration requirements.

With respect to some of the other educational activities, we clarified that this consortium can count as long as it's just in the forecast, this activity doesn't issue and include supervision and in fact, a number of states in their work clarification plans have included this (unintelligible).

We also removed the (unintelligible) satisfaction progress requirement from the high school and education directly related to employment activities. While we think these are – because of satisfactory progress requirement is good, there are two many differences in individual circumstances and types of educational activities, we decided to leave this to states to decide on their own on a case by case basis.

Supervision – this is something we've clarified also since we've issued the interim final rules. Daily supervision does not have to involve daily in person contact. We often use ourselves as examples of what this means. For example, my supervisor (Susan Slider), oftentimes doesn't see me but she knows that I'm working hard and is giving me assignments.

Other days, though, we do have in person contact. She's sitting across from me right now.

Woman: (Unintelligible).

(Peter Germanis): To make sure that I don't misspeak. But in any event, it doesn't mean that there has to be in person daily contact. It just means that there has to be a responsible party that has responsibility and (oversight) with an individual's participation.

Let's see. There was one of the question's that's somewhat related to this on assessment. And I'll read the question. The preamble indicates that all work

activity definitions permit assessment of an individual's suitability for a particular work activity and therefore an assessment (unintelligible) can be counted as the assigned activity.

In this state it apparently takes about anywhere from a couple of days to two weeks. To date, we have counted this to date as job readiness. Then the question is, is there a timeframe for how long this assessment can last? What is the documentation standard or proof that is required to show that assessment is related to the activity?

So, yes, the assessment can be included as part of the activity whether it's subsidized employment or work experience or whatever. The individual has to be doing something. They can't simply be (awaiting) today but the assessment can count.

The second part of the question is, if an assessment finds that the individual is not suitable for the work activities can we still count the assessment today that's the planned work activity? And the answer to that is yes.

And now we'll be switching over to calculate and work participation rates. And I'll turn it over to Julie Siegel.

Julie Siegel: Thank you (Peter Germanis). So we're going to talk about calculating work participation rates and that's going to include a range of things – work-eligible individuals definition, case (work) reduction credits, excused absences and documentation will be the main topic.

So work-eligible individuals – we made a number of changes that we'd like to highlight in this area. Under the final rule, a state can exclude an SSDI

recipient in the same way that it can exclude an SSI recipient on a case by case basis.

We made this change because both programs use the same federal standards to determine whether an individual is too disabled to work. So since it's the same standard it made sense for us to treat them in the same.

We also extended the SSI-like exclusions to the Title 16 programs in the territories that are comparable to SSI. And we clarified that states can revise their data when an applicant of SSI or SSDI becomes a recipient and thus could be excluded from the work participation rate.

And we did have a question on this – on the SSI, SSDI and I'll read the question. It refers to the preamble that states that a state that learns that a former work-eligible individual has been approved for SSI or SSDI and for whom prior state TANF for SSP and re-benefits are reimbursed.

They revised its data for that individual by December 31st for the months in the preceding fiscal year in which the individual receives benefits under one of those programs.

So the question is, is reimbursement of TANF or SS – SSP and (the lead fund) a condition of being allowed to remove an SSI parent family from the denominator for each month the SSI application is pending?

And the answer is no. If the work-eligible individual status changes, there might likely be a reimbursement of (panason). But if it was a non-recipient parent of a child receiving assistance, it's possible that there isn't any reimbursement of (panason) and you could still revise your data if the status

of the work-eligible individual change you could change the data. I see a frown. Is that anything we need to worry about?

(Elaine Richman): No.

Julie Siegel: Okay good. When (Elaine) frowns I pay attention.

The question went on to read, does such reimbursement prevent those months from counting the family – from counting in the family 60-month federal prime limit? And if months were counted as prime limited TANF months, that should not have been, because the individual became an SSI recipient. You should revise the count of the family's month that includes for the TANF limit. Is that right, (Elaine)? Did I say anything wrong there? No. Okay good, good. I want to be sure because I know that's your area of expertise.

All right. Next we made some additional changes on work-eligible individuals related to when a parent is caring for a disabled family member. The family member no longer has to be in school full-time to exclude the parent who is caring for the family member from the definition of work-eligible individuals.

You must only show that the parent is needed in the home to care for the disabled family member. You must medically document that.

Moving on to (pay for) the reduction credit. The final rule specifies the formula for calculating (excess) MOE the topic that we discussed at some length with you guys. This the same modified Delaware method that we explained in our last Webinar. And in conjunction with the rule, we revised the (paper) reduction credit form which will now include a worksheet in (excess) MOE and it automates the calculation as much as we could.

That revised form, along with our other data collection instruments are at OMB and when we have an approval number for it, it'll go out to you and it will apply starting with FY09.

Excused absences – the final rule clarifies the number of holidays for which a state can receive credit. This is the same as the way we handle holidays in the work verification plan. You're allowed to count 10 days which the statement specifies but this can vary from state to state.

And similar to the doc search and job readiness assistance provision, a final rule converts the ten additional days of excused absences to 80 hours, no more then 16 of which can be in a month. So it's a straight conversion of the way the interim fund rule looked at additional excused absences.

This was something that states advocated for strongly and others made comments about and we agreed that giving states the flexibility to address an individual – when an individual has a personal problem such as going to the doctor or dealing with transportation or child care issues, you might not want to take the whole day because it might not take the whole day to resolve.

This gives states the flexibility to excuse just a few hours and help the client return to work or training that same day.

Okay, homework – this certainly relates to the educational activities but it's also how you document hours that we talked about here. Under the final rule, unsupervised homework can now count. We decided to make this change because states made it clear to us that structured study sessions are not easy to create in many situations so now states can count up to one hour of unsupervised study or homework for each hour of instruction that the TANF

participant receives as long as the total study or homework time does not exceed the guidelines set by the educational program for study or homework.

Documentation – we made some changes related to documentation. In the final rule, we do not require daily documentation of job search for bi-weekly documentation of other unpaid activities. Instead the rule simply holds states responsible for documenting all of the hours they were for each month the participation which was a requirement that you always had but we don't specify when you have to put it in a case file.

It just needs to be there so that if when an auditor comes through you can show, you can support in an audit trail what you've reported to us. And this included permitting electronic records so this should reduce administrator's burden while still ensuring the accountability to the program.

Before I turn it over to (Elaine Richman) to talk about the next slide, there's one more question that didn't kind of fit anywhere else but still relates to work, and that was on Fair Labor Standards Act.

So I'll read the question. We have contacted DOL – the Department of Labor's Wage and Hour Division about determinations surrounding FLSA and were told by the staff that they would not be able to give us an FLSA determination each time we had a work experience placement. Please advise on how this situation can be rectified. And there as added note that not only did they need determinations but also timely determinations, and we certainly appreciate that.

We have reached out to our colleagues at DOL to alert them to this problem and we want to work with the state to help you rectify this. We indicated in your final role that you should contact DOL because that's what they told us

to tell you but I can see how this could be a real obstacle, many different types of placement so we're trying to find out now what DOL would like to do. We're a little bit caught in the middle on this and we want to help you as much as we can. So with that I will turn it over to (Elaine).

(Elaine Richman): Thank you Julie Siegel. The final rules clarified with pro-family expenditures may go beyond eligible families and those are for the pro-family expenditures that are those that are allowed under healthy marriage and responsible fatherhood grants.

That's not to say that they have to be a recipient of any of those discretionary grants but rather that there are a series of activities that are allowable for those grants. And we're using those same activities as the ones that are claimable for MOE purposes.

Any other expenditures will have to be – can only count toward the safe maintenance of efforts if they are made for or on behalf of an eligible family which is the way the statute read before the ROA 2005.

That means that any expenditures would be allowed if they are spent on a financially needy family that consists of at a minimum a child living with a relative or a pregnant woman.

So states can count other kinds of expenditures within the TANF purposes, any one of the four TANF purposes as long as they're spent on eligible families in terms of the pro-family stemming within purposes 3 and 4 of course space making two if you use the segregated federal TANF funds for those kinds of activities, those kinds of non-assistant activities, and may count of the allocable portion for or on behalf of eligible families.

We received one question and it is basically asking whether it is the correct understanding that the restrictions on the MOE expenditures take effect with expenditures made in FYO9 that is effective October 1, 2008 so that our current expenditures for fiscal year ’08 can be used to calculate the FYO9 participation rate target. Yes, that’s a correct understanding.

This is effective with fiscal year FYO9 therefore you may continue to claim for MOE purposes pro-family non-assistance expenditures within TANF purposes 3 and 4 even beyond those that are for healthy marriage and responsible fatherhood activities.

Beginning October 1 FYO9, those claimable expenditures may only be for healthy marriage and fatherhood activities. Anything else is just the allocable portion for or on behalf of eligible families.

Okay, and our last category – those are examples of pro-family spending activities – the pregnant pause. Okay, effective date – we’ve had quite a few questions coming in about the effective date of rules so we thought it was important to clarify this.

The effective date – the rule takes effect on October 1, 2008 which is the beginning of FY 2009. Before that, the interim final rule is in effect, so the kinds of questions you’ve been asking – or several of you’ve asked if you can implement various provisions of the final rule early before 10/1/08. And you gave specific examples. And some of you said, can we submit work verification, plan amendment that takes effect before that date.

And one of you put it a way that I think is very helpful. You said, “We’re thinking that if there are things that are not consistent with the interim rules – that are consistent with the interim rules of June 2006, it should be okay.”

And that is exactly right. If it isn't part of the interim final rule or something that we clarified as we did with work verification plans as it relates to the interim final rule – so something like the hourly conversions we talked about – we have no authority to implement those before the effective date of the final rule.

We set that date of 10/1/08 to give you some time to make the systems changes that you would need to. An earlier date I'm sure would've been – made problems for a number of states to change their programming in time. So we – it's not a lot of time but we wanted to be core effective so that there was some time to ramp up and get your changes in place.

So if there are things that are consistent with the interim final rule or the way we did things in the work verification plans that are – the clarifications of the interim final rule, you can do those now. If there're major changes, like the hourly conversion, that's just going to have to wait until the start of the next fiscal year.

So that is the end of our presentation and I believe we're going to take a small break now to gather the questions that you're sending in and – so that we can answer them and we will be back with you in just a few moments, like five.

Man: Well it also gives you a chance to send some questions because so far we've only got two questions.

Woman: The more you send, the longer it'll take. So stand by. We're putting you on mute at the moment.

Operator: We're now back in the live conference.

(Peter Germanis): Okay, we're just going to take the questions in the order in which they came. The first question is, will a copy of this presentation and questions and answers be made available to us? And the answer is yes.

Woman: It'll be posted on the Peer TA Web site.

(Peter Germanis): Okay, second question. I need help understanding your explanation of the maximum job search hours changing when a child returns age six. Let's us an example, if in the preceding 12 month period, an work-eligible individual has used 118 job search hours, how many additional hours may the work-eligible individual have in the month the child turns six?

Well before the child turns six, the state can count up to 120 hours. Beginning in the month in which the child turns six, that would increase to 180 hours.

The next question, can we count BA college programs now under the interim rule? The answer to that is no because the final rule only takes effect beginning fiscal year 09, however, states even under the interim final rule can count a number of different post secondary education programs. They just couldn't count education leading to a Bachelor's or advanced degrees. So I just wanted to remind you all of that.

Can we count unsupervised homework hours now? Again the answer to that is no, not until their final rule goes into effect.

Next question is I believe for (Elaine). (Elaine) here.

Woman: Whose question is this?

(Peter Germanis): Oh wait. Well I skipped one question. I (unintelligible) question. (Elaine) – the question on job readiness is, if the job search/job readiness starts with hours, on October 1, 2008, does everyone start with zero hours on that day? And the answer is yes. The clock starts ticking beginning October 1, 2008. It doesn't matter how many hours meets whatever participation people had in job search in fiscal year '08.

(Elaine Richman): Next question asks – mentions – that healthy marriage promotion activities lists as one of the activities, education and high schools on the value of marriage relationships, skills and budgeting. There has always been a prohibition against public school education programs for maintenance of efforts. Please clarify that prohibition continues.

We mentioned in the preamble to the final rule as well as in the regulations that the activities under healthy marriage and responsible fatherhood are countable unless a limitation restriction or prohibition applies. This a prohibition.

(Peter Germanis): Okay. The next question is, can we remove the requirement to monitor good and satisfactory progress now? The answer is no but we gave considerable flexibility even in the interim final rule in terms of how you define that and how you implement that so for all practical purposes, you can define that very broadly and minimize any sort of monitoring for standards that you have to worry about from our perspective.

There's one other thing I wanted to quantify going back to the job search question. Sometimes the questions are faced and how much – how many hours can an individual have? And I just wanted to remind everyone that it's not – it really doesn't affect how much any one individual can have but rather how many hours a state can count.

So you should never feel like you can't put in an individual in for more then the hours that we count. It just – these are limits on what states can count.

Okay, the next question is, your structured 40 hours a week job readiness clause. If 20 hours equals one week, does 40 hours within a five day period count as one week or two weeks?

In this case, 40 hours would count as two weeks because, again, 20 hours, assuming the family has a child under six, is equal to one week. Now if the state is concerned about using up too many weeks, you could take the extra hours and report them in other work activities or not report them at all.

Woman: And if you do count them, it counts as two weeks of participation, so it makes sense that it's two weeks of the limit.

Okay, the next question is, the final rule explicitly states that access MOE can be used for the two parent rate. Can excess MOE be used for the two parent rate in fiscal years '08 and '07? Yes it can.

Next question...

Woman: Next question asks, would you please restate the comment regarding expenditures for MOE purposes? I had thought that it was said that only purpose 3 and 4 expenditures for eligible families would be allowed. Does that mean that purposes 1 and 2 expenditures for non-assistant eligible families such as post-assistant job retention case management would not be allowed expenditures for MOE purposes.

What I was attempting to clarify is what's countable within the pro-family claiming provisions. (DRA) 2005 gave space in additional way of claiming MOE expenditures and that was for core-family non-assistance expenditures.

The final rule clarifies which pro-family non-assistance expenditures can be beyond el – for – beyond eligible families and it is only the healthy marriage and fatherhood activities that can go beyond eligible families' non-assistance expenditures.

Any other MOE expenditures have always been allowed as long as they are within a TANF purpose such as cash assistance, child care and any other type of activity that is reasonably calculated to accomplish anyone of the four TANF purposes, but a state may only claim the expenditures made for or on behalf of eligible families.

So MOE is all about helping eligible families within the TANF purposes except for core-family expenditures that are for healthy marriage and fatherhood formation. Then you can claim for anyone else as well.

Woman: Okay, the next question, (Pat Brannen), I think is going to be for you. It reads, has ACF changed the two-parent rate calculation program since April, 2007 when the code was distributed to the states, and if so, in what way?

(Pat Brown): I think I may have made a minor change to it where I was counting a two part family both excluded from the denominator and included in the enumerator. It's just a bug I found in my program. I had to clean that up but other then that change, the FY2000 rate should be unchanged from that point in time.

(Peter Germanis): Okay, the next question is are states required to support the advanced degree or is it optional? Can we support the Bachelor degree and not the advanced

degree? So in terms of what constitutes vocational educational training, when we set what some of the limits or the boundaries for what could constitute vocational educational training, states are free to define these activities more literally, you know, as they choose. So if you don't want to include the advance degree, that's state option.

Woman: And if you do want to include, you'll make an amendment to your work verification plan accordingly.

(Peter Germanis): Okay, next question is, please give me clear examples of four consecutive weeks of job readiness/job search. Okay, let's assume someone needs four hours of AA a week. So a state could count that individual for four weeks. Over that four weeks they would've accumulated 16 hours towards the job search/job readiness six week limit.

But in case they had a least one hour of job search in each of those four weeks, that would count as four consecutive weeks towards the four consecutive week limit and the state could not count any hours in job search and job readiness assistance in the fifth week.

Beginning in the sixth week, it could again count whatever number of hours it wants for four consecutive weeks.

Okay, the next question is what is the requirement for two-parent households regarding the job search and job readiness program? Also can you clarify two-parent household work hours requirements?

Well, for the two-parent rate, the hourly requirements are 35 hours, 30 hours of which must be a core activity or if they receive federally subsidized child care, it's 55 hours, 50 of which must be in a core activity.

In regard to the hours that they can count for job search and job readiness assistance, it's based on the 44 hours overall rate. And so each individual in the two-parent family would have 180 hours that could be counted towards – that the state could count towards the work rate in a 12 month period.

This may be for (Pat) – regarding the new data elements for (dean) dollars in the all families and two (unintelligible) rates, is this applicable only to the states with a simplified food stamp program or does it apply more generally to (dean) dollars for satisfactory school attendance and education directly related to a (unintelligible)?

And I'll let (Pat) respond to part of this but (dean) dollars for work experience and community service does require that the state have a mini simplified food stamp program in place.

(Pat Brown): Yes, that's my answer.

(Peter Germanis): Okay.

Woman: But it does not apply more generally since satisfactory attendance in school or (unintelligible) relate at some point.

Woman: Yes. Oh yes, I'm just reading. Yes, that doesn't – do you want to read it?

(Peter Germanis): Okay, this will probably be for (Pat). Data recording – your preamble in nine states that ACF has and will continue to make available a (five) showing on a case by case basis. Which families are candidates for participating and which are not upon the request from the state?

Well, we have availed ourselves with this option in the past. We have not (unintelligible) that contains sufficient details to enable us to determine for individual families why a case would be determined by ACF to fail to meet the criteria to be counted as participating. Could we get more specific details?

(Pat Brannen): I have on a – the code – (FA) code which is the reason why it failed. And maybe I need to make some more clarification for each of those codes but that should be sufficient to help states find out why and if not, I'm always free to help you check out those codes.

I'm not sure what additional information I can give you but if somebody has some suggestions, feel free to send me an email on it.

Woman: Okay, next. What is the statutory basis for limiting teen pregnancy kinds of programs (on the) needy families? I suppose the questioner is asking about the limiting of the pro-family planning provisions.

The TANF purpose 3 as you know, is not limited to just needy families therefore you may use your segregated (several) TANF funds for teen pregnancy prevent and an allocable portion of your state funds for teen pregnancy prevention that are made for or on behalf of eligible families.

Any other TANF purpose 3 activities that are pro-family and non-assistance, would just have to be for the healthy marriage and the fatherhood promotion activities.

And that is because we notice that the statute used the term, "certain pro-families activities." So one asks, as commenters did, what are those certain activities? Well they just happened to have fallen under the healthy marriage

and responsible fatherhood portion of CRA2005. So they are limited to those particular activities.

(Peter Germanis): Okay the next question is, is actual term for distance learning considered as log in/log out time? Log in and log out time might be one way of determining hours but there would also have to be some mechanism in place to ensure that people were doing something during that time and not just sitting at the computer.

For example, my kids – I got them the Rosetta Stone Spanish disc and that had a mechanism in place for monitoring, not only how long they spent doing their Spanish homework, but also what they achieved during that same period, so there are some types of programs that have that. There may be other ways of supervising people who do distance learning so there are a number of options that we'll look at in the context of the work (unintelligible).

Woman: Next, can supervised study hours be added to unsupervised study hours or is a student allowed only one study hour supervised or unsupervised per credit? Supervised and unsupervised study hours can be added together. You can only ha – only count one hour of unsupervised study per hour of class time but the total combined supervised and unsupervised simply can't exceed whatever the study guideline is for the education program.

The next question is when will we get a PI on (deaning)? Very soon. It was actually ready to go and then the final rules came out but we need to give you one to tell you about FY07 and 08, so very, very soon.

Is this the next one? Will the federal government take into consideration a recession for work participation requirement? And I would say if you fail work participation rate and you can attribute it to a work – to a recession – and

you wa – I see you're trying to say you can get a reasonable clause exception, make that case to us and show us how that happened and we'll look at it.

(Peter Germanis): The next question is for (Patrick). Would ACF please send out the updated terms for calculating the two parent (rate)? Other state submission did not begin to (think) up what the ACF calculated rate that we recently received under the final five months of federal fiscal year 2007.

(Pat Brannen): Yes I can send that out. Be happy too. Well, what particular state wanted it, does it say? I can send it to all regions, but...

Woman: Okay, what is the expected turnaround time to work verification plan amendment? Will there be some guidance as to when the plans should be submitted and when states will receive word on amendment approval?

(Peter Germanis): Well in general – I mean, we need to have an approved verification plan by the beginning of fiscal year '09 for that year. Now, I'll (eliminate) some changes – a number of changes to the final rule. Most of what's in the work verification plan probably will not have to change. I mean, we'd have to change the ten excused absences phase to 80 hours and things like that.

I would say the sooner you can get the old amendments in, probably the better. But they – you do need to have an approved plan by the beginning of fiscal year '09.

Woman: I would think that the process would be much easer then it was the first time around.

Woman: (Unintelligible).

Woman: Wisconsin wanted the update in two (unintelligible) codes, (Patrick). So I think that is all the questions. Wait, there's one more.

(Peter Germanis): Okay, question – in the preamble, ACF states that the (unintelligible) and law requiring that the value of any amount of child support retained by states is reimbursement for public assistance be excluded in the minimum wage calculation is no longer in effect, however – and then the question ends.

Woman: Here – however we – they still think they should do it.

(Peter Germanis): Yes, we told states in our final rule that they should exclude – the question keeps moving – child support in the calculation – child support that's retained by the families in their calculation of the required work hours although there isn't anything in the statute directly on that now. We think that, you know, it's in the state's interest to exclude that because we don't want people that work off child support that they've gotten and it could go to, you know, court in the states and we think that's (unintelligible).

Woman: We think that's (unintelligible). Good topic, yes.

Lisa Washington-Thomas: Thank you so much for your participation in our Webinar. If you have any further questions or questions that you think of later, please contact your regional office personnel and they will answer or facilitate the answer to your questions.

Thank you so much and we will post this on the Peer TA Web site in coming weeks. Thank you, goodbye.

Operator: Ladies and gentlemen, that does conclude today's conference. We thank you for participating and ask that you please disconnect your lines.

END