

**STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155-3834**

**MFIP EMPLOYMENT SERVICES MANUAL
MANUAL LETTER #12**

Effective Date: July 1, 2005

To: Employment Services Providers
County Human Service Agency Directors and Other Manual Holders

Subject: Revised Material for the MFIP Employment Services Manual

This manual letter contains revised information for the MFIP Employment Services Manual. Changes are identified by red text.

This information is available in other forms to people with disabilities by calling 651-296-1835 (voice), toll free at 1-800-657-3698. You may also contact us through the Minnesota Relay Service at 1-800-627-3529 (TTY), 7-1-1, or 1-877-627-3848 (speech-to-speech relay service).

Attachment A contains a list of the revised sections and a brief description of each change. All revised instructions are EFFECTIVE July 1, 2005.

If providers have questions on application of these policies for individual cases, they should contact the county human services agency.

If county human services agency staff have questions on application of these policies for individual cases, they should contact:

Local Agency Support Policy Center
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3835

Sincerely,

Charles E. Johnson
Assistant Commissioner
Children and Family Services Administration

**MFIP EMPLOYMENT SERVICES MANUAL
MANUAL LETTER #12
ATTACHMENT A
REVISED SECTIONS**

All revised sections are dated "ML 12 07/2005".

Table of Contents deletes 5 sections: §2.4 (Exemptions), §2.5 (Universal Participation Provisions), §2.5.1 (Universal Participation - Modified Employment Plans), §2.5.2 (Universal Participation - Job Counselor Responsibilities), §3.11 (Volunteers for MFIP Employment Services).

§1.3.10 (Glossary: M-N...) changes the definition of Mandatory Participants to say that all participants are mandatory except those extended under the Ill/Incapacitated Category, who may volunteer.

§2.2 (Timing for Employment Services) incorporates information from deleted section §2.5 (Universal Participation Provisions) for clarity.

§2.3 (Referring Participants to Employment Services) adds information about automated and manual ES referrals and clarifies when financial workers use each type.

§2.5 (Universal Participation Provisions) deletes this section and incorporates information into §2.2 (Timing for Employment Services).

§3.1.30 (Minimum Hourly Activity Requirements) adds a 3rd bullet under 2-parent families clarifying that in 2-parent families where only 1 parent is receiving MFIP, for example the 2nd parent is receiving SSI, to follow the single parent minimum hourly requirements.

§3.1.40 (MFIP Participation Rate) revises this section by removing information about exemptions which no longer apply and by updating information on the Countable Activities list.

§3.3 (Employment Services Overview) clarifies how to provide ES overview information to participants who have or are in the process of qualifying for a family violence waiver. It deletes language about exempt caregivers and volunteers. It adds information about modified EPs and a cross-reference to the new section §3.8.41 (Modified Employment Plans).

§3.8 (Employment Plan (EP)) clarifies that all MFIP participants are mandatory. It adds to review all EPs at least every 3 months and revise as necessary. It also adds cross-references to 2 new sections §3.8.41 (Modified Employment Plans), §3.8.42 (Employment Plans for Participants with a Disability).

§3.8.41 (Modified Employment Plans) is a revision of deleted section §2.5.1 (Universal Participation - Modified Employment Plans).

- §3.8.42 (Employment Plans for Participants With a Disability)** is a revision of the deleted section, §2.5.2 (Universal Participation – Job Counselor Responsibilities).
- §3.11 (Volunteers for MFIP Employment Services)** is a deleted section. The information pertaining to volunteers under the Ill/Incapacitated Extension category has been moved to §9.2 (Ill/Incapacitated Extensions).
- §4.1.30 (Job Counselor’s Role)** deletes the 2nd bullet in the 4th paragraph as participants are eligible for child care assistance requested for all activities included in the EP.
- §4.1.60 (Child Care for Employment)** clarifies under “Child Care for Employment Included in an Employment Plan” that there are requirements for those whose EP has not yet been approved in order to be eligible for child care assistance.
- §5.4.20 (Times for Curing the Sanction)** deletes mention of exemptions throughout.
- §5.4.40 (Case Review Requirements for Occurrences of Sanctions)** deletes the 2nd bullet in the 2nd paragraph referring to exemptions.
- §5.7 (Dispute Resolutions)** under issues that may be appealed, deletes denial of an exemption and adds denial of an education plan.
- §8.1 (Transition Period (48-60 Months))** deletes language pertaining to exemptions. In the last paragraph replaces "teams designated by the LSU" with "teams designated by the county".
- §9.2 (Ill/Incapacitated Extensions)** is revised to include information previously in §3.11 (Volunteers for MFIP Employment Services), which has been deleted.
- §9.2.10 (Ill, Injured, or Incapacitated Extension Criteria)** deletes mention of exemptions throughout.
- §9.2.20 (Special Medical Criteria Extension)** deletes information in this section referring to exemptions.
- §9.4 (Employed Extensions)** in the last paragraph clarifies that the 1-month grace period provisions also apply to participants who are willing to accept suitable employment but none is available.
- §9.4.20 (Employed Extension Criteria – 2-Parent Units)** adds a clarification to follow single parent minimum hourly participation requirements when only 1 parent in a 2-parent unit is in the employed extension category.

Appendix A updates the FPG column with 2005 figures. This information was previously sent separately.

Appendix D is a new section listing what documentation to keep in the ES paper file. This information was previously sent separately.

Appendix G deletes mention of exemptions throughout.

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MANDATORY PARTICIPANT :

All participants are mandatory except those extended under the Ill/Incapacitated Category, who may volunteer.

MAXIS :

Minnesota's statewide automated eligibility system for public assistance programs.

MEDICAL ASSISTANCE (MA) :

The program established under Title XIX of the Social Security Act and Minnesota Statutes 256B providing for health care to needy people.

MEDICALLY NECESSARY :

A health service rendered in response to a life-threatening condition or pain; to treat an injury, illness, or infection; to achieve a level of physical or mental function consistent with prevailing community standards for the diagnosis or condition; to care for a mother and child through the maternity period; is a preventative health service; or to treat a condition that could result in physical or mental disability. The provider's professional peer group must recognize the service as the prevailing standard or current practice and consistent with the participant's diagnosis or condition.

MFIP EMPLOYMENT SERVICES (MFIP-ES) :

The program that provides Employment Services to current and former MFIP participants.

MFIP PARTICIPATION RATE

The MFIP participation rate is a state measure used to assess and reward counties for high performance. This measure was designed to mirror the activity rules of the TANF participation rate, but it applies these rules to all non-exempt eligible MFIP adults. See §3.1.40 (MFIP Participation Rate).

MINIMUM WAGE :

The lowest wage established by law that an employer may pay an employee. See §3.6.30 (Definition of Suitable Employment).

MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP) :

Minnesota's family assistance program. The program is both TANF-funded and state-funded.

MINNESOTA WORKING FAMILY CREDIT :

A state tax credit for which low or moderate income individuals and families are eligible if they qualify for the federal EARNED INCOME CREDIT. See EARNED INCOME CREDIT in §1.3.5 (Glossary: E...). The Minnesota Working Family Credit can be applied for by filing a Minnesota income tax return.

MINNESOTACARE :

A premium-based health care coverage program for uninsured Minnesota residents who meet the income guidelines. It is administered by the Department of Human Services. See the Health Care Programs Manual.

MINOR CAREGIVER :

A person who (a) is under the age of 18 years and not emancipated, and (b) has applied for or receives assistance as a caregiver on behalf of himself or herself and his or her minor child.

MINOR CHILD :

A child who lives with parents or other caregiver, is not the parent of a child in the home, and who is 1 of the following:

- Less than 18 years old.

OR

- Under the age of 19 and a full-time student in a secondary school or equivalent level of vocational or technical training, designed to fit students for gainful employment.

MONTHLY INCOME TEST :

The test used to determine ongoing eligibility and the unit's assistance amount.

NET INCOME :

Income remaining after each program's DEDUCTIONS and DISREGARDS are subtracted from GROSS INCOME.

TIMING FOR EMPLOYMENT SERVICES

2.2

Universal Participation requires all caregivers receiving MFIP during the 1st 60 months to be engaged in Employment Services, with the exception of participants with a natural born child under the age of 12 weeks. Certain participants have the option to develop a modified plan. See §3.8 (Employment Plan (EP)).

MAXIS TRACKING FOR CERTAIN CASES

Although participants in the categories below are no longer exempt from participation in ES after 7-01-05, financial workers will continue to code this information on the STAT/EMPS panels in MAXIS. If the disability covered in 1 of these categories occurs after enrollment in ES, notify the financial worker.

- ▶ A participant who has been diagnosed by a qualified professional as suffering from an illness or incapacity that is expected to last for 30 days or more.
- ▶ A participant who is determined by a qualified professional as being needed in the home to care for an ill or incapacitated family member.
- ▶ A woman who is pregnant if the pregnancy has resulted in an incapacity that prevents the woman from obtaining or retaining employment and the incapacity has been certified by a qualified professional.
- ▶ A caregiver with a child or an adult in the household who meets the disability or medical criteria for home care services or a home and community based waiver services program or meets the criteria for severe emotional disturbance or serious and persistent mental illness.
- ▶ A participant who is age 60 or older.

NOTE: Universal Participation **does not** apply to caregivers extended beyond 60 months. Post 60-month ES policies pertaining to who is required to participate and develop an Employment Plan and who is exempt are unchanged.

EXCEPTION TO UNIVERSAL PARTICIPATION REQUIREMENTS

There is a time-limited exception from Universal Participation for caregivers with a natural born child under 12 weeks of age if the following criteria are met:

- ▶ The assistance unit has NOT already used this exception or the previous Employment Services exemption allowed for a child under 1 year of age.

NOTE: If a caregiver has not used the entire 12 months under the previous child under 1 exemption prior to 7-01-04, the caregiver can use the child under 12 weeks of age exception.

- ▶ The child meets all eligibility requirements for MFIP and his or her needs are included in the cash portion of the grant.

The newborn exception ends the first full month after the child reaches 12 weeks of age. This provision is available only once in a caregiver's lifetime and may not be split between births. In a 2-parent household only 1 parent may use this exception. The participant and job counselor must meet by the 10th day of the month following the month the child reaches 12 weeks of age to revise the participant's EP.

TEEN PARENTS

All parents (in 1- or 2-parent families) under the age of 20 who do not have high school diplomas or the equivalent must have an individual assessment done as soon as possible, but no later than 30 days after receipt of MFIP, unless the caregiver is an 18 or 19 year old who chooses an Employment Plan with a work option. See §3.4.20 (Requirements For Teen Parents).

REFERRING PARTICIPANTS TO EMPLOYMENT SERVICES

2.3

Each county should establish a process to refer participants to Employment Services that will best facilitate referrals. However, 2 conditions must be met:

- ▶ The process must ensure that caregivers begin participating (for example: attend an overview) within 30 days after they become mandatory.
- ▶ Caregivers must be offered a choice of at least 2 Providers, EXCEPT in counties using a Workforce Center and counties exempt from this requirement due to financial hardship. See §3.2 (Choice of Providers).

With the exception of Hennepin County, all referrals are electronically generated from MAXIS to WF1. Paper referrals do not replace the electronic referral. Referrals can be sent to Employment Services Providers 2 different ways:

- ▶ The most common way is the automated referral. These referrals are generated when cases become eligible for the MFIP program. They are also generated when a case is first approved after transferring into a new county.
- ▶ A county-generated or manual referral option is also available to counties. This allows financial workers to send referrals whenever they deem it necessary. County-generated referrals will only contain the information available on MAXIS at the time of the referral.

This option will be used only when the automated option doesn't work for the local referral process. For example, some counties have the Employment Services Overview the same day as the intake appointment. Even though verifications may be lacking to determine eligibility, the county may choose to refer the applicants to the ES Overview anyway. Using the manual referral process will allow financial workers to send a referral which accommodates this local process.

Employment Services Providers in Hennepin County should follow instructions for processing referrals on the TEAMS system.

MINIMUM HOURLY ACTIVITY REQUIREMENTS

3.1.30

The general expectation is that participants will participate to the greatest extent possible and obtain full-time employment as soon as possible. Activities supporting these goals should be included in the Employment Plan. See §3.8 (Employment Plan (EP)), §3.8.40 (Employment Plan for Victims of Family Violence). The number of hours in the Employment Plan must meet the minimum requirements below, unless there is a compelling reason to do otherwise.

Participants who are new to MFIP Employment Services with a skill level likely to succeed in obtaining suitable employment must job search a minimum of 30 hours per week for the 1st 6 weeks. To meet participation requirements any remaining hours may be met by including other allowable work activities in the plan. This applies to parents in single-parent families and to both parents in 2-parent families.

After the 1st 6 weeks of job search, participants must continue to meet the following hourly requirements:

In single-parent families with a child under 6:

- ▶ 20-35 hours per week.

In single-parent families with no children under 6:

- ▶ 30-35 hours per week.

In 2-parent families:

- ▶ A combined total of at least 55 hours per week.
- ▶ When 1 parent in a 2-parent family is participating 55 hours per week, the 2nd parent is still expected to participate. This 2nd parent is not exempt from the requirement to participate. Use your professional discretion to decide the appropriate number of hours required of this parent to help achieve the goal of leaving MFIP.
- ▶ In 2-parent families where only 1 parent is receiving MFIP, for example the 2nd parent is receiving SSI, follow the single parent minimum hourly requirements.

Note that the above are minimum requirements. Use your professional discretion to prescribe the optimum number of hours for a given participant. In most cases, the number of hours per week will be more than the minimum. Do not use the minimum hourly activity requirements as a default.

MINIMUM HOURLY ACTIVITY REQUIREMENTS**3.1.30**

You may lower the minimum weekly requirement when there are convincing reasons to do so. In cases where the participant or the family is incapable of meeting the minimum requirement, the Employment Plan may include fewer hours.

Do not count transportation time from home to a child care provider, and to and from work or other work activities, toward a participant's hourly requirement. However, count transportation that is a part of the work activity, such as from the Employment Services office to an interview, or between interviews. For participants who are seeking employment, job search **IS** their job, and they will receive credit for the time needed for transportation which is a part of that process.

Teen parents without a diploma or GED:

- ▶ Minor parents without a diploma or its equivalent and 18- and 19- year old parents who choose a school option meet the minimum participation requirements by attending school. However, you should decide whether to include additional activities, especially in cases where school attendance is less than full time. See §3.4.20 (Requirements for Teen Parents).

EMPLOYMENT PLAN FOR VICTIMS OF FAMILY VIOLENCE

The number of hours in an Employment Plan with a Family Violence Waiver are based on the circumstances of the family and must be agreed to by the participant, Family Violence professional and the job counselor. See §3.8.40 (Employment Plan for Victims of Family Violence).

MFIP PARTICIPATION RATE**3.1.40**

The MFIP Participation Rate is a state measure used to assess and reward counties for high performance. This measure was designed to mirror the activity rules of the TANF Participation Rate, but it applies these rules to ALL non-exempt eligible MFIP adults.

WHY THE WORK PARTICIPATION RATE IS IMPORTANT

The work participation rate is a key performance measure both for counties and for the state as a whole. Beginning in 2005, counties will have to earn 5% of their consolidated fund allocation by meeting performance targets. One of the measures is the MFIP Work Participation Rate. Meeting the target for the MFIP Work Participation Rate will help ensure counties have full funding for programs to help families move to work and economic stability.

STEPS JOB COUNSELORS AND LOCAL AGENCIES CAN TAKE TO IMPROVE PERFORMANCE ON THE MFIP WORK PARTICIPATION RATE

There are 3 steps local agencies and job counselors can take to improve performance on the MFIP work participation rates:

1. Ensure all countable hours of paid employment are correctly entered in MAXIS and all non-paid countable hours are reflected in WF1.
2. Write Employment Plans that include core activities to the greatest extent possible, and supplement as necessary with non-core activities. Non-countable activities should only be included when necessary to address issues that interfere with employment. See §3.8 (Employment Plan), §3.8.30 (Work Activities), §3.8.31 (Order of Preference for Work Activities), §3.8.40 (Employment Plan for Victims of Family Violence).
3. Develop work placements (CWEP, subsidized jobs, unpaid work experience) which will count as core activities for participants who are unable to find unsubsidized employment. See §3.16 (Community Work Experience Program (CWEP) and Unpaid Work Experience).

CALCULATION OF THE MFIP PARTICIPATION RATE

The steps used to calculate the MFIP Participation Rate are listed below. The sub-headings below the calculation (Who Is Part of the Calculation, Required Hours of Participation, Countable Activities) contain details that will help explain the content of each of these steps.

1. For each month in the quarter, the active MFIP cases are selected, including

MFIP PARTICIPATION RATE

3.1.40

those who did not receive a grant. Child only cases and cases where at least 1 eligible caregiver is exempt and no eligible caregiver meets the required hours of participation are excluded.

2. Numerator = Determine the number of cases in Step #1 for the month that meet the required hours of participation. Sum the numbers from each of the 3 months of the quarter.
3. Denominator = Determine the cases in Step #1 for each month. Sum the numbers for each month of the quarter.
4. MFIP Participation Rate = Percentage of cases meeting the required hours of participation for the quarter is calculated by dividing the numerator (#2) by the denominator (#3).

WHO IS PART OF THE CALCULATION

All cases with eligible adults (excludes child-only) are part of the calculation EXCEPT:

- ▶ Cases with a child under 1 where the 12-month lifetime limit has not been used.
- ▶ Cases in the 1st 3 months of sanction out of the preceding 12 months.

UNIVERSAL PARTICIPATION

On July 1, 2005, DHS will begin to include all previously exempt caregivers in the calculation of the MFIP Participation Rate. This means the MFIP Participation Rate published January 1, 2006, for the months of July through September, 2005, will include all formerly exempt caregivers who were not included in previous calculations.

All other caregivers are counted in the MFIP Participation Rate calculation.

NOTE: Child only cases are not included in the MFIP participation rate because there are no eligible adults on the grant.

REQUIRED HOURS OF PARTICIPATION

The requirement for each participant to meet the rate is 130 hours per month, 87 of which must be core activities in order for **any** non-core activities to count, with the following deviations:

MFIP PARTICIPATION RATE

3.1.40

-
- ▶ **Single parent (1 eligible adult) and a dependent child under age 6.** 87 hours are required to successfully participate. These may consist of any combination of core and non-core activities.
 - ▶ **Teen parents who are either married or the only eligible adult in the household.** These caregivers are counted as meeting the participation requirement if they are meeting their school attendance requirements. This is true regardless of the actual number of hours they attend school. **NOTE:** The requirement for unmarried teens with another eligible adult in the household is 130 hours per month, 87 of which must be core hours in order for non-core hours to be countable.
 - ▶ **Two parent cases (2 eligible adults).** The MFIP Participation Rate is based on cases. When 2 eligible adults are in a case, the following rules apply:
 - If 1 parent fulfills the 130-hour requirement, with 87 hours in core activities before any non-core hours count, the case is counted as fully participating (1 in the numerator and denominator).
 - If both parents fulfill the requirement, the case is again counted as fully participating (1 in the numerator and denominator).
 - If neither parent fulfills the requirement, the case is counted as not fully participating (0 in the numerator and 1 in the denominator).

COUNTABLE ACTIVITIES

Activities that can be counted toward both the MFIP and TANF Participation Rate are divided into “core” and “non-core” categories. Single parents with no children under the age of 6 and most 2-parent families must have a certain number of core activity hours before non-core hours begin to count toward the total requirement. Single parents with a child under age 6 are able to meet the requirement with either core or non-core hours.

Core Activities:

- ▶ **Employed 30 Hours or More Per Week.** This activity is used for participants who are working 30 hours or more per week and continue to receive MFIP assistance. The 30 hours per week could be the result of 2 or more part-time jobs. Include paid internships in this activity. **NOTE:** Data collected from MAXIS.
- ▶ **Employed Less Than 30 Hours Per Week.** This activity is used for participants who are employed less than 30 hours per week and continue to receive MFIP assistance. Include paid internships of less than 30 hours in this activity. Hours can

be the result of 2 or more part-time jobs. **NOTE:** Data collected from MAXIS.

- ▶ **Job search.** This activity is used for both the initial job search and all subsequent periods of job search. Job search may be supervised or unsupervised and includes job clubs, job readiness, job placement. **NOTE:** Six weeks of this activity may be counted for each participant in each federal fiscal year. This activity combines with assessment. Each October a new six-week period begins.
- ▶ **Assessment.** Combined with job search. Six weeks of this activity may be counted for each participant in each federal fiscal year. Each October a new six-week period begins. **NOTE:** Six weeks of this activity may be counted for each participant in each federal fiscal year. This activity combines with job search. Each October a new six-week period begins.
- ▶ **On-the-Job Training (OJT), Public Sector.** This activity is used when a participant is hired by a public employer and while engaged in productive work receives training that provides knowledge or skills essential to the full and adequate performance of that job. **NOTE:** Data collected from MAXIS.
- ▶ **On-the-Job Training (OJT), Private Sector.** This activity is used when a participant is hired by a private employer and while engaged in productive work receives training that provides knowledge or skills essential to the full and adequate performance of that job. **NOTE:** Data collected from MAXIS.
- ▶ **Paid Work Experience.** This activity is used when a participant is in a temporary employment experience in the public, nonprofit or private sector. **NOTE:** Data collected from MAXIS.
- ▶ **Unpaid Work Experience.** This activity is used when a participant is in an agency-initiated placement in a public, non-profit, or private sector work site. This can include unpaid supported work and unpaid internships.
- ▶ **Community Work Experience Program (CWEP).** This activity is used to improve the employability of individuals not otherwise able to obtain employment by providing work experience and training to assist them to move into regular employment. The participant must have completed job search prior to entering CWEP. Placements must serve a useful public purpose.
- ▶ **Self-Employment Investment Demonstration (SEID).** This activity is used when a participant is provided with assistance in using self-employment as a method of becoming self-sufficient. Services may include technical advice and training in

small business development, assistance in securing seed capital for start-up costs, etc.

- ▶ **Volunteer and Community Service.** This activity is used when a participant provides time or services on a voluntary basis to various organizations or projects. Volunteer service activities should improve a participant's employability and assist them to move into regular employment.
- ▶ **Grant Diversion.** This activity is used when all or part of the MFIP grant is used to develop and subsidize jobs for caretakers. Grant diversion may last up to 9 months during which time the participant continues to be an MFIP participant.
- ▶ **Post-secondary vocational education and training lasting 12 months or less.** This category includes programs that can be completed in 12 months or less if participants attend full-time. However, months are still counted if the program designed to last 12 months takes participants longer than 12 months to complete. Extending a 12-month program most often occurs when participants combine education with part-time employment. Reasonable amounts of preparation or study time may be counted under this activity.
- ▶ **Providing child care for parent working in a community service program.** This activity is used only for participants who are providing child care for other participants in a community service program. **NOTE:** If paid, all hours are taken from MAXIS. If unpaid, all hours are collected from WF1.

Non-Core Activities:

- ▶ **Job skills training directly relating to employment.** This includes training offered by the county or private contractor. Possible classes might include but are not limited to computer basics, keyboarding and communication skills/getting along with co-workers.
- ▶ **Vocational Training/Education – 12 months or less.** This activity includes training done by a private or state college or post-secondary educational institution or program that results in an industry recognized certificate such as a Microsoft certificate.
- ▶ **Education directly related to employment if the participant has no high school diploma or GED.** This category includes the following 3 sub-categories. Note that for immigrants who received the equivalent of a high school education before arrival in the U.S., participation in these activities is not a countable activity.

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- **English as a Second Language (ESL) Training.** This activity includes proficiency training for participants who need to improve their ability to speak, read or write English. Participants must be below a spoken language proficiency level (SL) of SL 6 for ESL to be an approved work activity. The combined total months of participation in ESL and FWL may not exceed 24 months. No more than half of the participant's requirement can be met through ESL.
 - **Adult Basic Education (ABE) / Remedial Training.** Basic education is instruction offering these skills for the first time. Remedial education involves repetition of such instruction previously given to the participant. Under state law, participants must have reading or math skills below the 9th grade level for ABE to be an approved work activity. Reasonable amounts of preparation or study time are also countable hours. No more than one-half of the participation requirements contained in the Employment Plan may be met through ABE training.
 - **Functional Work Literacy.** This activity consists of participants in an intensive and work focused ESL program that offers at least 20 hours per week of class time. Participants must be below a spoken language proficiency level (SL) of SL6 for this activity to be approved. No more than two-thirds of the participant's requirement can be met through FWL. The combined total months of participation in ESL and FWL may not exceed 24 months.
- ▶ **High school Completion.** This activity is used when a participant takes classes that will earn credits necessary for a high school diploma.
 - ▶ **GED classes.** This category consists of taking classes necessary for a high school equivalency certificate. Reasonable amounts of preparation or study time are also countable hours. No more than half of the participation requirements in the Employment Plan may be met through GED training.

Activities Not Counted:

- ▶ **Job search that continue for more than 6 weeks in a fiscal year (10/1 – 9/30).**
Combined with assessment.
- ▶ **Assessment that continues for more than 6 weeks in a fiscal year (10/1 – 9/30).**
Combined with assessment.
- ▶ **Screening.** This activity includes using the Self-Screen (DHS-3482) and the Brief Screening Tool for Special Learning Needs (DHS-3504)

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- ▶ **Vocational Training/ Education- 13 – 24 months.** This activity includes proficiency training for participants who need to improve their ability to speak, read, or write the English language. **NOTE:** For participants in a program designed by the offering institution to last more than 12 months, even their first year of education is not countable and should not be recorded as a training or education activity lasting 12 months or less.
 - ▶ **Employment Plan for Family Violence Waiver.** This activity includes the process where victims of family violence develop and utilize a plan to ensure the safety of themselves and their children. The plan should also include activities designed to lead to self-sufficiency, provided that these activities do not endanger the participant or the children. **NOTE:** Activities should be tracked using the applicable categories (job search, part time employment, etc.)
 - ▶ **Participating in Social Services.** This activity is used for participants who are involved in all forms of social service interventions. Possible interventions include: chemical dependency assessment or treatment, mental health assessment or treatment, assessment for learning disabilities.
 - ▶ **Holding.** This non-activity temporarily places a participant in “suspension”. Holding is commonly used to allow some time to pass before anticipated entry into another activity.
 - ▶ **Holding – Sanction.** This non-activity is used when a participant is in sanction status for non-cooperation with MFIP Employment Services.
 - ▶ **Other.** This activity is used to track hours for activities not included above. Efforts to stabilize the family by securing suitable housing, doctor appointments, etc. may be included.

Many counties and providers will be able to substantially increase their MFIP Participation Rate by enrolling participants in countable rather than non-countable activities, and by ensuring that all countable hours of paid employment are correctly recorded on MAXIS and all non-paid countable hours are reflected in WF1. While counties and Employment Services providers are strongly encouraged to focus on countable activities, there will be cases where it is necessary to include non-countable hours in the plan (social services or safety related activities), or where a request for 24 months of education meets approval criteria and has been included in the Employment Plan.

EMPLOYMENT SERVICES OVERVIEW**3.3**

Counties must provide Employment Services within 30 days after a caregiver is determined eligible for MFIP, or within 10 days when the caregiver participated in the Diversionary Work Program (DWP) within the past 12 months.

FUNCTION OF THE OVERVIEW

It is critical that the MFIP program be presented as an opportunity. Participants must be given a clear, uniform message that MFIP expects, supports, and rewards work. Participants are expected to work, search for work, and/or meet other program requirements. MFIP provides the supports necessary to meet these expectations, and ensures that a job will increase family income and serve as a step toward financial independence.

REQUIREMENT TO ATTEND THE OVERVIEW

All MFIP caregivers, with the exception of participants who have or are in the process of qualifying for a family violence waiver, are required to attend an ES overview.

Participants who have or are in the process of qualifying for a family violence waiver **must be provided the same information but cannot be required to attend an overview done in a group setting. In these cases** the information is usually presented in the overview must be covered during the development of the Employment Plan. For more information, see §3.14 (Family Violence Waiver Option), §3.8 (Employment Plans (EP)).

Child care cost should be covered for attending the overview.

CONTENT OF THE OVERVIEW

Prior to the overview, most participants will have attended an orientation to financial assistance as part of the MFIP intake or recertification process. Although the messages are similar, the orientation focuses on the financial work incentives and the income maintenance portion of the program. Overviews, which may be offered in a group setting or on an individual basis, should focus on providing specific information about the Employment Services portion of the program and the supportive services available to help the participant transition to work. However, the overview also provides an opportunity to repeat the very important message that “work pays”. Repetition of information about the work incentives increases the likelihood that participants will understand and take advantage of the program. The overview should convey a sense of the urgency and opportunity of obtaining employment, review the financial assistance information from the orientation, and explain resources available to facilitate a transition to employment.

Specifically, the overview should cover:**► The expectation to work**

MFIP is primarily a work program. The purpose of the program is to help participants move into the labor market quickly. Support services and cash assistance are provided to facilitate a transition to employment.

► The necessity and opportunity of working

Under federal law, cash assistance is limited to 60 months in a lifetime. Going to work immediately increases the chance of going off assistance completely or reducing assistance to the MFIP food portion only and preserving the limited months of assistance for times when no work is available.

MFIP **expects, rewards, and supports** work. MFIP participants are expected to work or participate in work-related activities. Doing so provides significant rewards. Participants must clearly understand how MFIP policies make work pay and that they are always financially better off working than not. Work also provides other less tangible rewards such as enhanced self-esteem and a positive role model for children. Participants have access to child care assistance and other supports necessary to obtain and retain employment.

Families do not have to choose between welfare and work. Under MFIP, any job increases family income, and provides valuable work experience and a step up the ladder to a better job. Tax credits can also substantially increase family income. See §6.1.60 (Budgeting Policies), §6.1.80 (Actual Budgeting).

► The range of allowable Employment Services work activities

Participants need to know that activities necessary to move them toward employment and self-sufficiency may be included in their plan, with job counselor approval. Provide this information in the context of the general sequence of services, order of preference for work activities, and hourly participation requirements. Retain the basic message that participants are expected to take the most direct route to employment. Work-related activities should be seen as supplementary and should not routinely replace job search and employment.

You may want to include the list of 9 approvable activities in an information packet to supplement your verbal explanation. See §3.8.30 (Work Activities).

► **Modified Employment Plans**

Participants who meet certain criteria may develop an EP with hours below required participation levels and with activities tailored to meet specific needs. See §3.8.41 (Modified Employment Plans).

► **Training opportunities**

Training opportunities are available to participants who meet specific criteria. Include the Education & Training in MFIP brochure (DHS-3366) in the caregiver's information packet as a source of reference. This brochure explains the general parameters of MFIP education and training.

While you should cover general information about education and training opportunities during the overview, it is recommended that detailed and serious discussion of specific educational plans be done during the assessment.

► **Child care resources and referral**

Child care expenses are paid for MFIP families who work or participate in other activities in an approved Employment Plan as long as child care program requirements are met, for example: complete an application timely; use a licensed or legal non-licensed provider. Participants may be responsible for a small co-payment. See §4.1 (Assessing and Coordinating Support Services). Participants should be informed about the child care resources available to enable them to participate. For child care assistance for victims of family violence, see §3.8 (Employment Plan (EP)).

► **Rights, responsibilities, and obligations of participants**

MFIP has high expectations for participants but offers ongoing support to enable them to meet those expectations. The program sets up a shared responsibility among families, the Employment Services system, and the county. Job counselors are responsible to help participants develop a realistic plan for the future and for supporting the plan with the full range of available resources. Participants are responsible to develop and follow through with the plan and for working toward the greatest level of self-support possible. Employment Services - Rights and Responsibilities form (DHS-3172) is a concise summary of the participant's protections and obligations.

▶ **Rights under the Americans with Disabilities Act (ADA)**

Job counselors can use DHS brochure “Do you have a disability?” (DHS-4133) to explain these rights. It is available on eDocs at: <http://edocs.dhs.state.mn.us/index.htm> and click on “Search”. See §1.2.30 (Civil Rights and the Americans with Disabilities Act).

▶ **Consequences for failure to meet requirements.** See §5.1 (Non-Compliance).

▶ **Eligibility for Transition Year Child Care.** See §4.4.10 (Continuation of Employment Services), §4.4.20 (Transition Year Child Care).

▶ **Family violence referral information.**

- Provide information on exemption from the 60-month time limit based on family violence. See §3.14 (Family Violence Waiver Option). Provide the MFIP Family Violence Waiver (DHS-3477) brochure.
- Provide caregivers with a Family Violence Referral (DHS-3323). You may include this form with other information distributed at the overview or provide it during the 1st meeting with a job counselor. For more information, see §3.14.10 (Person Trained in Domestic Violence), §3.8 (Employment Plan (EP)).
- Provide information about battered women’s community shelter programs and other services for victims of family violence.

▶ **Availability of all health care programs, including transitional Medical Assistance.** See §4.4.40 (Transitional MA Programs).

EMPLOYMENT PLAN (EP)**3.8**

An Employment Plan (EP) is a social contract between the county/ES provider and each participant. The purpose of the EP is to identify for each participant the most direct path to unsubsidized employment and any subsequent steps that support long-term economic stability. The plan should clearly outline commitments on the part of both the county/ES provider and the participant. See §1.3.5 (Glossary: E...) for the definition of Employment Plan.

WHO MUST COMPLY WITH AN EP

All MFIP participants are mandatory and must develop and comply with an EP, unless they have a child under the age of 12 weeks and they have not previously used this exception. See §2.2 (Timing for Employment Services).

Failure on the part of mandatory participant to develop or comply with hourly requirements in an EP may result in a sanction. Failure to sign an Employment Plan is considered failure to develop an EP and should result in a sanction. See §3.1.30 (Minimum Hourly Activity Requirements) and §5.6 (Guidelines for Working with Sanctioned Participants). Failure to develop or comply on the part of a voluntary participant may result in closure of the Employment Services case. See §5.1 (Non-Compliance).

WHEN TO DO AN EP

Employment Plans are based on information gathered during the assessment process and throughout participation in the program. Development of a basic EP should begin during the first meeting with a job counselor, or shortly thereafter. The EP is a “living document” that should be reviewed at least every 3 months and revised whenever necessary. See §3.4 (Assessment). For additional information, see:

§3.8.10	Functions of the Employment Plan.
§3.8.20	Goals in the Employment Plan.
§3.8.30	Work Activities.
§3.8.31	Order of Preference for Work Activities
§3.8.40	Employment Plan for Victims of Family Violence
§3.8.41	Modified Employment Plans
§3.8.42	Employment Plans for Participants With a Disability

CONTENTS OF THE EP

The EP must include:

- ▶ The participant’s overall employment goal.
- ▶ Activities and steps necessary to reach that goal.

EMPLOYMENT PLAN (EP)**3.8**

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- ▶ Hours of participation and a time line for each activity.
 - ▶ Expectations and measure(s) used to determine satisfactory progress.
 - ▶ Meetings with the job counselor.
 - ▶ Documentation/verification requirements.
 - ▶ The support services that will be provided.

Whenever job search is included in an EP, indicate whether it will be supervised or unsupervised (must be supervised after 6 weeks).

Clearly indicate that all activities in the plan are mandatory unless otherwise specified. See §3.8.30 (Work Activities). EPs must be signed and dated by you and the participant. Revisions to an existing EP should also be initialed and dated by both.

EPs should include enough hours to meet participation requirements unless a compelling reason to do less is case-noted in the participant's file. See §3.1.30 (Minimum Hourly Activity Requirements). Note that teen parents meet secondary education requirements by enrolling in and attending school, and that plans developed for a volunteer may include less than the hourly participation requirement for mandatory single or 2-parent families. See §3.4.20 (Requirements for Teen Parents) and §3.1.30 (Minimum Hourly Activity Requirements).

Employment Plans may include any work activity, however, participation in activities that meet core hourly requirements are a primary consideration when developing or revising an EP. Use the information in §3.6.20 (Structured Job Search) to determine core and non-core activity hours, and the Levels of Activities list in §3.8.31 (Order of Preference for Work Activities) as a guide to selecting activities.

VICTIMS OF FAMILY VIOLENCE

Victims of family violence who want to be exempt from the 60-month lifetime limit MUST request a Family Violence Waiver Option and develop an Employment Plan. See §3.8.40 (Employment Plan for Victims of Family Violence), §3.14 (Family Violence Waiver Option), §3.14.10 (Person Trained in Domestic Violence).

MODIFIED EMPLOYMENT PLANS

3.8.41

The law allows modified Employment Plans based on the special needs of the family, such as limitations due to illness or disability of the caregiver or another member of the household.

Those caregivers identified below may develop a modified EP that includes reduced hours or participation below requirements in §3.1.30 (Minimum Hourly Activity Requirements), and activities that address their specific needs.

- ▶ A participant who has been diagnosed by a qualified professional as suffering from an illness or incapacity that is expected to last for 30 days or more.
- ▶ A participant who is determined by a qualified professional as being needed in the home to care for an ill or incapacitated family member.
- ▶ A woman who is pregnant if the pregnancy has resulted in an incapacity that prevents the woman from obtaining or retaining employment and the incapacity has been certified by a qualified professional.
- ▶ A caregiver with a child or an adult in the household who meets the disability or medical criteria for home care services or a home and community based waiver services program or meets the criteria for severe emotional disturbance or serious and persistent mental illness.
- ▶ A participant who is age 60 or older.

For all participants who have a modified EP, review their status every 3 months to see if their circumstances have changed. This review can be accomplished through a file review, a phone call, a letter or a face to face meeting. If the modified EP is no longer necessary, meet with the caregiver within 10 days to revise the EP. For information on EPs for participants with a Family Violence Waiver, see §3.8.40 (Employment Plan for Victims of Family Violence). For information on EPs for teen parents, see §3.4.20 (Requirements for Teen Parents). **Also see §2.2 (Timing for Employment Services).**

When the caregiver has a documented disability the job counselor and participant should develop a plan that includes reasonable accommodations. When designing the plan, job counselors should seek input from those professionals who assessed the participant and can evaluate his or her ability to perform the activities in the plan. It is the responsibility of the job counselor to inform all participants of their right to reasonable accommodations per guidance under the Americans With Disabilities Act. See §1.2.30 (Civil Rights and the Americans with Disabilities Act).

EXAMPLES OF EMPLOYMENT PLANS

► **Ill or incapacitated for more than 30 days:**

Caregivers in this category should have documentation from a qualified medical professional on file stating the nature and duration of the illness or incapacity. The Employment Plan should be based on this documentation until it is either updated or expires. If the participant is unable to participate for 30 days or more, verification in the file should say he or she is totally unable to participate for a certain length of time. This plan should include follow through with treatment recommendations, regular meetings with the job counselor, and the date when the verification must be updated.

Employment Services providers should help with any special transportation requirements and make other accommodations as necessary.

NOTE: Medical Assistance can reimburse participants for the cost of transportation for medical services covered by Medicaid. Refer participants to their financial worker for information about MA reimbursement.

Alternate arrangements should be made if the participant's condition prohibits him or her from coming to the Employment Services office. Alternate arrangements also include home visits, telephone interviews, and mailing the Employment Plan for signature if necessary.

The Employment Plan should only contain activities and hourly requirements appropriate to the participant's circumstances. If appropriate, an application for SSI should be pursued.

Non-Compliance:

Participants may not be sanctioned for failure to follow through with treatment recommendations. However, a sanction may be imposed for non-compliance with developing a plan or other activities in the plan (required meetings, maintain

contact, verifications, etc.) as long as those activities are within the participant's abilities and necessary accommodations have been made. The participant may also be eligible to claim good cause if unable to meet the requirements of the plan. See §5.3 (Good Cause for Non-Compliance).

► **Participant is unable to participate for less than 30 days:**

The EP for a participant with verification of an illness or incapacity that expires within 30 days will most often include the same activities listed in the example above, as well as activities that will be required after the verification of illness expires.

Some participants may have recovered fully and will not need a modified EP. Others may be able to participate but on a more limited basis. Activities included in the plan should be based on recommendations from the medical or other qualified professional who treats the participant. Continued treatment or therapy should be included in the plan as necessary and with the participant's agreement. The EP should not include an expectation that the participant will accept a job that aggravates an identified disability/condition or that requires skills the disability prevents the person from acquiring. For example, an individual with a stress related mental health disorder should not be required to accept a position that would increase exposure to a stress level (demanding workload; deadline pressure) that would negatively impact the participant's recovery.

The Employment Plan should only contain activities and hourly requirements appropriate to the participant's circumstances. Employment Services providers should help meet any special transportation requirements and make other accommodations as necessary.

NOTE: Medical Assistance can reimburse participants for the cost of transportation for medical services covered by Medicaid. Job Counselors should refer participants to their financial worker for information about MA reimbursement.

Non-Compliance:

Participants may not be sanctioned for failure to follow through with treatment recommendations. However, a sanction may be imposed for non-compliance with developing a plan or other activities in the plan as long as those activities and hourly requirements are within the participant's abilities and necessary accommodations have been made. A participant may have good cause for failure to comply. See §5.3 (Good Cause for Non-Compliance).

- ▶ **Participant is needed in the home to care for a disabled household member:**
The Employment Plan for participants with verification from a qualified professional should include information about the level of participation that can be reasonably expected from the participant given the family circumstances and the extent to which the caregiver is needed in the home.

If the household member is a child active in an educational program during part of the day, activities may be scheduled during the time the child is not under the parents supervision. For example, the Employment Plan may require the caregiver to attend parenting classes 2 days a week from 11:00 to 2:00 or could require the participant to seek part time work that does not interfere with the caregiver's ability to care for the disabled household member.

The EP should only contain activities and hourly requirements appropriate to the participant's circumstances.

Non-Compliance:

The participant can be sanctioned for non-compliance if he or she fails to cooperate with developing a plan or with activities in the plan that do not interfere with their responsibilities for providing care for the disabled household member. In situations where their plan conflicts due to changes in the needs of the household member, the plan should be modified. Good cause policies remain in effect. See §5.3 (Good Cause for Non-Compliance).

JOB COUNSELOR'S ROLE

4.1.30

When a participant has employment included as an approved activity in the Employment Plan, you must:

- ▶ Provide participants with information about child care resource and referral agency services.
- ▶ Help the participant complete an application for child care assistance if one has not already been completed.
- ▶ Identify and verify hours of child care necessary to follow through with activities in the plan.

Clearly note on the county's child care authorization form the following information:

- ▶ The hours per day (for example: from 8 a.m. to 4 p.m.) and days per week of participation in authorized activities.
- ▶ Whether child care is for:
 - Job search or employment.
 - Education only.
 - Social services.
 - Combination of activities (specify which activities).
 - Pre-employment activities.
- ▶ Whether the child care is for **post-secondary** education.

If the county child care authorization form is not designed to record information in the manner described above, you **must** write or type in the correct information.

It is important to provide accurate information to county child care staff for 3 major reasons:

- ▶ Child care staff uses the information to complete MFIP child care reports .
- ▶ The total time of child care assistance used for education and training is limited. Child care statute restricts total time (including child care used while on MFIP and/or basic sliding fee) to the time necessary to complete an associate or baccalaureate degree as determined by the educational institution, excluding basic or remedial education programs need to prepare for post-secondary education or employment. See §4.1.70 (Child Care for Training and Education).

JOB COUNSELOR'S ROLE**4.1.30**

Effective provision and monitoring of child care funds requires you, child care workers, and financial workers to be in close and regular contact. Any county or Employment Services agency staff who become aware of a change in the participant's situation that affects the authorization or payment of child care, must notify other affected staff immediately. If notification is verbal, counselors should follow up with a Diversionary Work Program/ Minnesota Family Investment Status Update form (DHS-3165).

For information on the job counselor's role with victims of family violence, see §3.8.40 (Employment Plan for Victims of Family Violence).

CHILD CARE FOR EMPLOYMENT**4.1.60**

DETERMINING HOW MANY HOURS OF CHILD CARE ARE AVAILABLE

When the participant is working an average of 20 hours per week, paid on an hourly basis, and earns at least applicable minimum wage, child care assistance should be provided for the actual hours of participation, break and meal time during employment, and travel time up to 2 hours per day (travel time includes time from the site of child care to employment and return to the child care site).

When the participant does not work for an hourly wage (most often self-employment), child care assistance is available for the lesser of:

- ▶ The amount of child care determined by dividing gross earned income by the applicable minimum wage, plus up to 1 hour every 8 hours for meals and break time, plus up to 2 hours per day for travel time.

OR

- ▶ The actual amount of child care used during employment, including break and meal time during employment, and travel time up to 2 hours per day.

CHILD CARE FOR EMPLOYMENT INCLUDED IN AN EMPLOYMENT PLAN

Employed caregivers who do not **yet** have an approved Employment Plan must work an average of at least 20 hours per week and receive at least applicable minimum wage for all hours worked in order to be eligible for child care assistance. Caregivers who are enrolled in Employment Services are exempted from these restrictions, and may receive child care for hours that are included in an Employment Plan. Follow guidelines used for determining hours for child care described in the above section.

CHILD CARE IN SUPPORT OF EMPLOYMENT

In certain situations, participants may request child care “in support of employment” to cover child care costs during non-working hours. An example when this type of child care could be authorized would be a participant working 3rd shift who does not need paid child care during work hours, but who does need child care costs covered during the daytime hours when s/he sleeps. These hours may not exceed hours that would be authorized for employment activities.

Child care assistance to support employment may be paid for hours other than actual work hours when **all** of the following conditions exist:

- ▶ The child care assistance for these activities does not exceed the amount of child care that would be granted for employment.

AND

- ▶ The participant is complying with his or her Employment Plan (if applicable).

AND

- ▶ The participant cannot reasonably modify her or his non-work schedule to provide child care.

TIME LINES FOR CURING THE SANCTION

5.4.20

The financial worker must send a notice of adverse action at least 10 days before a sanction for non-compliance with Employment Services requirements is imposed.

When a sanction has been imposed, it must be in effect for a minimum of 1 month and may be removed in the month after the month the participant comes into compliance.

Participants may cure an Employment Services sanction by complying with the ES requirements during the time frames indicated below:

- ▶ **1ST OCCURRENCE OF NON-COMPLIANCE:** The sanction can be cured ON OR BEFORE 10 days prior to the EFFECTIVE date of the sanction.
- ▶ **2ND OCCURRENCE OF NON-COMPLIANCE:** The sanction can be cured ON OR BEFORE 10 days prior to the EFFECTIVE date of the sanction.
- ▶ **3RD THROUGH 6TH OCCURRENCES OF NON-COMPLIANCE:** When the 30% sanction has been imposed for 1 month, ALL subsequent consecutive months in which a 10-day notice is not required may be cured up to the day prior to the effective date of the sanction. When subsequent months are not consecutive, a notice of adverse action is sent out and the sanction must be cured ON OR BEFORE 10 days prior to the EFFECTIVE date of the sanction.
- ▶ **7TH OCCURRENCE OF NON-COMPLIANCE (MONTH OF CLOSURE):** The sanction can be cured ON OR BEFORE 10 days prior to the EFFECTIVE date of the sanction (case closure) unless good cause is granted, an exemption is found, or pre-employment activities are found to exist.

If good cause is granted or pre-employment activities are found to exist, restore the MFIP grant to the 1st of the month in which good cause is granted or pre-employment activities are found to exist.

WF1 CODING FOR A CASE IN SANCTION

Do NOT close Employment Services cases for participants in a sanction (unless the participant exits MFIP). Place sanctioned participants in “Holding – Sanctioned” on the Workforce One (WF1) System.

See §5.4.30 (Removal of a Sanction).

**CASE REVIEW REQUIREMENTS FOR
OCCURRENCES OF SANCTIONS****5.4.40**

Conduct a case file review no later than the 2nd month of sanction (30%). The purpose of the review is to determine whether the Employment Plan is still appropriate.

In addition to the case file review, a good faith effort must be made to meet with the participant face-to-face, prior to case closure for non-compliance. The purpose of the meeting is to ensure that the reason for sanction is accurate and if so, encourage participants to come back into compliance. During the meeting, the county or job counselor must:

- ▶ Determine whether the participant has good cause for continued non-compliance. See §5.3 (Good Cause for Non-Compliance).
- ▶ Determine whether the participant is in non-compliance due to the need for a pre-employment activity.
- ▶ Ensure the participant understands the sanction status and the consequences of continuing non-compliance. See §5.1 (Non-Compliance).
- ▶ Inform the participant of other identified resources that may be available to help meet the needs of the family.
- ▶ Ensure the participant understands the right to appeal.

The above information must be provided in a written notice to the participant when a face-to-face meeting cannot be conducted.

The grant must be restored to the full amount, retroactive to the 1st day of the month in which good cause, an exemption, or the need for an activity was found to exist or the participant was found eligible for a family violence waiver. If the need for a pre-employment activity was determined, the county or job counselor must work with the participant to provide that activity.

DISPUTE RESOLUTIONS

5.7

MFIP offers clients 2 types of dispute resolution:

- ▶ A **conciliation conference** is an informal meeting in which you and the participant discuss their disagreement. The purpose of the meeting is to try to reach mutual agreement on how to settle the disagreement. Your supervisor or a designee must review the outcome of the meeting. Participants who disagree with the outcome of conciliation can request a fair hearing.
- ▶ A **fair hearing** is the more formal of the processes. It is a legal process in which an appeals referee settles the disagreement. The fair hearing is conducted according to Minnesota Statutes, section 256J.40.

Participants can request a CONCILIATION CONFERENCE when they:

- ▶ Have a disagreement with you over the contents or interpretation of their Employment Plan.
- OR
- ▶ Receive an MFIP Notice of Intent to Sanction (DHS-3175). See Appendix B.

Conciliation is an optional step. The participant is not required to use it prior to a fair hearing.

Participants can request a FAIR HEARING when they:

- ▶ Disagree with the content or interpretation of a plan.
- ▶ Do not reach agreement with you in a conciliation conference.
- ▶ Receive an MFIP Notice of Intent to Sanction (NOITS) and do not request a conciliation conference.
- ▶ Receive a notice of adverse action.

Whenever possible, conciliation should be the 1st method of dispute resolution. Conciliation conferences are less formal, less bureaucratic, and less procedurally complex than fair hearings. Conciliation conferences may offer a quicker process to settle disagreements, allowing the participant to move forward with activities in the plan.

Participants who receive a NOITS or a notice of adverse action may request a fair hearing. Issues that may be appealed include:

-
- ▶ The amount of the assistance payment.
 - ▶ A suspension, reduction, denial, or termination of assistance.
 - ▶ The basis for an overpayment, the calculated amount of an overpayment, or the level of recoupment.
 - ▶ Eligibility for an assistance payment.
 - ▶ The use of protective or vendor payments.
 - ▶ Disagreements over the contents or interpretation of an Employment Plan.
 - ▶ Denial of an education plan.

A county agency cannot reduce, suspend, or terminate payment when a participant requests a fair hearing within 10 days of the mailing of the notice of adverse action, unless the participant requests in writing not to receive continued assistance pending a fair hearing decision. Assistance issued pending a fair hearing is subject to recovery, when as a result of the fair hearing decision, the participant is determined ineligible for assistance or for the amount of the assistance received. The county agency may increase or reduce an assistance payment pending an appeal when the circumstances of the participant change in ways unrelated to the issue on appeal.

Requests for fair hearings must be submitted in writing to the county human services office or to DHS. The request must be mailed within 30 days after a participant or former participant receives written notice of the county's action, or within 90 days of when a participant or former participant shows good cause for not submitting the request within 30 days.

If a participant returns the request to you in error, route it to the county agency immediately. The county agency must complete a form requesting a hearing from DHS.

The county agency must reimburse participants for reasonable and necessary expenses of attendance at the hearing, such as child care and transportation costs and for the transportation expenses of the appellant's witnesses and representatives to and from the hearing. Reasonable and necessary expenses do not include legal fees.

Fair hearings must be conducted at a reasonable time and date by an impartial referee. The hearing may be conducted by telephone or at a site that is accessible to participants with

DISPUTE RESOLUTIONS

5.7

disabilities. In most cases you should be prepared to attend the fair hearing and provide any records requested by the referee.

If the county action is upheld, the sanction is applied beginning with the next payment month. No additional notice is required before beginning the sanction.

If the participant's appeal is upheld, benefits previously reduced must be restored.

TRANSITION PERIOD (48-60 MONTHS)**8.1**

The transition period is the time during which to review progress and plans with participants who are approaching the 60-month time limit. The transition period begins in the 48th month of receipt of MFIP and continues through the 60th month of MFIP.

The objectives for the transition period are to:

- ▶ Continue to help families find employment.
- ▶ Ensure months on assistance were counted correctly.
- ▶ Identify and gather all information applicable to cases approaching 60 months.
- ▶ Communicate with families so they understand their options.
- ▶ Help participants obtain documentation necessary for an extension.
- ▶ Help prepare families who may not be extended by explaining non-cash benefits that may be continued and making referrals to other community resources.

From 180 to 60 days (approximately 6 to 2 months) before the 60th month:

- ▶ MAXIS identifies cases and sends notices to the family.
- ▶ Counties must complete an administrative review of each MFIP case prior to a face-to-face meeting.
- ▶ Counties must attempt to meet face-to-face meeting with the participant(s).

The order and specific months these activities are undertaken will vary by county.

For additional information on steps to follow for the period 180 to 60 days prior to the end of the participant's 60th month, see §8.1.10 (180 to 60 Days Before MFIP Closes).

NOTICES

MAXIS identifies cases at the 48th month and notifies the county. MAXIS also sends notices to the family about the 60-month time limit and how many months of MFIP they have used. Notices to the family are sent monthly between the 48th and 59th month.

ADMINISTRATIVE REVIEW

Counties are required to completed an administrative review of each case within 180 days, but not less than 60 days, before the participant reaches 60 months on assistance. The purpose of the review is to determine whether the employment plan is still appropriate.

DHS recommends a team approach (financial worker, job counselor, other staff, and professionals involved with the case) for reviews and subsequent meetings with participants. However, each county has flexibility to determine who will be involved and how this process will be completed.

Counties and ES Providers can use the sample 60 Month Planning Checklist included in DHS Bulletin #02-11-01 to guide the administrative review or develop their own forms. Issues to be considered include:

- ▶ Existing conditions that affect the participant's progress toward self-sufficiency.
- ▶ Whether the participant is currently in compliance and his/her sanction history.
- ▶ Services the family currently receives, and identification of other necessary services.
- ▶ Whether the employment plan is still appropriate.
- ▶ Whether the participant is aware of options to stop the 60-month clock.
- ▶ Whether months on assistance been counted correctly.
- ▶ Whether there appears to be eligibility for an extension category or categories.
- ▶ What resources are available if MFIP ends.

A participant who is in sanction for any reason during the 60th month is permanently ineligible for a hardship extension. In addition, to be eligible for a hardship extension under the employed hardship extension category, participants must be in compliance 10 out of the last 12 months. It is critical that participants understand the connection between sanctions and eligibility for an extension.

When sanctions that affect eligibility for an extension have been imposed, counties and Employment Services Providers should determine whether they were imposed properly, whether good cause existed, and work with participants to cure the sanction. County and ES

TRANSITION PERIOD (48-60 MONTHS)**8.1**

staff should offer to assist participants who need help obtaining documentation necessary to cure the sanction.

FACE-TO-FACE MEETINGS

Counties are required to attempt to meet face-to-face with participants between 180 and 60 days before the end of the 60th month. In general, after the administrative review is completed, the county will notify the participant that a face-to-face meeting has been scheduled, or that the participant should contact the county to schedule the meeting. If the participant does not respond, the county should make at least 2 more attempts to make contact and document these attempts in case notes. For information on attempting to meet, see §1.3.1 (Glossary: A...). The requirement to attempt a face-to-face meeting is a responsibility for counties and their ES Providers. Participants are NOT required to attend.

The purpose of the face-to-face meeting is to review the family's current situation, review the 60-month time clock record, explain accrued months and eligibility requirements for an extension, and provide information about other resources. Counties and ES Providers can use the sample 60 Month Planning Checklist included in DHS Bulletin #02-11-01 to guide the face-to-face meeting process or develop their own forms. County and ES staff should offer to assist participants who need help obtaining documentation necessary for an extension.

If a face-to-face meeting cannot be completed, counties must mail information that would have been covered, including when MFIP will close and an extension request form. A sample extension request form was included in DHS Bulletin #02-11-01.

EXTENSION DECISIONS

No later than the 10-day cut-off of the 60th month, the county makes a decision about whether to extend the family's eligibility beyond the 60th month, or to close the case. If information needed to determine whether the participant is eligible for a hardship extension is not available before the 10-day cut-off date in the 60th month, a decision is made based on the best information available at the time. Depending on the degree of confidence the county has in the documentation it has received, 1 of the following 2 approaches should be used for cases where some further documentation is pending. The rationale for choosing a specific approach should be documented in MAXIS CASE NOTES.

- ▶ The county may EXTEND MFIP benefits for the participant if they have received reasonable documentation that the participant would qualify for an extension, but either the county or another professional has identified that additional follow-up is needed. Set a review of the extension to coincide with

TRANSITION PERIOD (48-60 MONTHS)

8.1

the date the county expects to receive the additional documentation. Inform the participant that if the additional documentation does not confirm that the participant is eligible for an extension, he/she may be responsible for an overpayment.

- ▶ The county must CLOSE the case if a participant requests an extension but there is no current documentation on file that would indicate that the family is eligible for an extension. Notify the participant that the case may be reinstated if the needed documentation is received within 30 days of the date MFIP closes. The county also must offer to help the participant get the needed documentation.

Before a case can be closed (not extended at the end of 60-months), it must be reviewed by a job counselor supervisor **or the team designated by the county**. The review is used to determine whether extension criteria was applied correctly and that there was an attempt to meet face-to-face with the participant.

ILL/INCAPACITATED EXTENSIONS

9.2

PROVISIONS FOR ALL FAMILIES

The following 3 groups of participants may be extended in the ill/incapacitated extension category:

- ▶ Participants who are ill, injured, or incapacitated. See §9.2.10 (Ill, Injured, or Incapacitated Extension Criteria).
- ▶ Participants with an adult or child in the unit who meet special medical criteria. See §9.2.20 (Special Medical Criteria Extension). The extension related to special medical criteria applies only when the caregiver has a child or an adult in the household who meets the criteria. When the caregiver receives similar services or has a serious and persistent mental illness, he or she may be extended in another category, such as the ill/incapacitated (lasting 30 days or more) category or the hard to employ/MI category.
- ▶ Participants who are needed in the home. See §9.2.30 (Needed in the Home Extension Criteria).

If the participant's health care provider does not provide the information needed to determine whether the participant is eligible for a hardship extension, obtain a release of information from the participant authorizing you to contact the health care provider. Explain to the health care provider that this information is necessary to determine whether the participant is eligible for a hardship extension. If the health care provider still does not respond, contact the consumer representative at the health plan. If the health plan does not respond, contact DHS Health Care Purchasing Division at 651-296-3386 or 1-800-657-3756. Indicate which health plan you have contacted.

Participants extended in any of the above categories ARE NOT REQUIRED to participate in Employment Services, but they may volunteer. **Counties are required to serve all caregivers who volunteer.**

Volunteers may request approval for any work activity and do not have to meet hourly participation requirements. See §3.1.30 (Minimum Hourly Activity Requirements).

Although volunteers cannot be sanctioned for failure to follow through with the activities in their plan, they are expected to make satisfactory progress in each plan activity. Job counselors may close the case and discontinue support services for volunteer participants who fail, without good cause, to comply with their plan.

NON-COMPLIANCE WITH TREATMENT RECOMMENDATIONS

The extension may end for caregivers who do not follow treatment recommendations without good cause. Good cause may be granted when the nature of a caregiver's disability interferes with follow through on treatment recommendations. The county may also want to consider changing the extension reason to "unemployable" if this is a better alternative.

If the treatment recommendations of the health care provider are not followed, the participant is no longer eligible to continue receiving MFIP. However, counties should allow a 30-day grace period for the participant to come back into compliance with the treatment recommendations before ending the extension. If the participant goes in and out of compliance frequently, it may not be necessary to allow a 30-day grace period each time. However, compliance expectations should be reasonable and applied equitably.

Since participants extended in this category are not expected to work and are not required to participate in ES, responsibility for monitoring follow through with treatment recommendations may vary from county to county.

See §7.1 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §9.1 (Hardship Extensions) for an explanation of the requirements for hardship extensions.

PROVISIONS FOR 2-PARENT FAMILIES

Parents in a 2-parent family may be extended in different categories, and 1 may reach the 60-month time limit before the other.

WHEN BOTH PARENTS REACH THE 60-MONTH LIMIT AT THE SAME TIME

If both parents reach the 60-month limit at the same time, and they are both extended as ill/incapacitated, NEITHER is required to participate in Employment Services.

If the parents are extended in different categories, the Employment Services requirements for that category apply. For example, if 1 parent is extended as ill/incapacitated, that parent is not required to participate in Employment Services. However, if the other parent is extended as employed or hard to employ, he/she IS REQUIRED to participate in Employment Services.

WHEN 1-PARENT REACHES THE 60-MONTH LIMIT BEFORE THE OTHER

When the parent who reaches the 60-month limit is extended as ill/incapacitated, that parent IS NOT required to participate in Employment Services. The parent who has not reached the 60-month limit MUST continue to meet Employment Services requirements.

ILL, INJURED, OR INCAPACITATED EXTENSION CRITERIA

9.2.10

PROVISIONS FOR ALL FAMILIES

The extension criteria apply to the health status of the participant, not to other family or household members. Participants who request this extension must:

- ▶ Provide professional certification of an illness, injury, or incapacity that is expected to last more than 30 days which prevents them from obtaining or retaining employment.

NOTE: The certification of an illness, injury, or incapacity should be from a qualified professional who is a licensed physician, a physician's assistant, a nurse practitioner, or a licensed chiropractor.

AND

- ▶ Follow the treatment recommendations of the health care provider certifying the illness, injury, or incapacity. The extension may end for caregivers who do not follow treatment recommendations without good cause. Good cause may be granted when the nature of a caregiver's disability interferes with follow through on treatment recommendations. The county may also want to consider changing the extension reason to "unemployable" if this is a better alternative.

Participants under this category DO NOT have to follow an Employment Plan.

Participants who are pregnant may be extended under the ill or incapacitated category if there is a medical professional's statement verifying that they are unable to work and the condition is expected to last for more than 30 days. The extension under ill or incapacitated lasts only as long as the illness or incapacity lasts.

A participant with mental illness or mental retardation are eligible under this category if the doctor's statement says the participants cannot work or participate in any work activities.

Continuation of care activities for participants with chemical health issues are considered part of the treatment plan for purposes of this extension when the activities are led by a chemical health professional, based on an assessed need, and provided according to a treatment plan as part of a licensed program.

A participant who is certified as ill, injured, or incapacitated is NOT eligible for this extension if the medical statement indicates that he or she can perform limited employment. For these cases, evaluate the participant for other extension categories, including the employed/limited hours category.

EXTENDING THE CASE WHEN DOCUMENTATION IS PENDING

Counties may extend MFIP benefits beyond the 60 months for participants requesting extension under the ill/incapacitated category if documentation is not available by the 60th month. Participants must cooperate with efforts to obtain the documentation, and they may be responsible for an overpayment if they are later determined to not qualify for an extension. Also see §8.1 (Transition Period (48-60 Months)).

See §7.1 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §9.1 (Hardship Extensions) for an explanation of the requirements for hardship extensions. Also see §9.2 (Ill/Incapacitated Extensions), §9.2.20 (Special Medical Criteria Extension), §9.2.30 (Needed in the Home Extension Criteria).

PROVISIONS FOR 2-PARENT FAMILIES**When Both Parents Reach Month 60 at the Same Time**

Evaluate both adults for an extension, when both parents reach month 60 at the same time. If both qualify for an extension as ill, injured, or incapacitated category, neither one is required to participate in Employment Services. However, both parents are required to follow treatment recommendations to maintain the extension.

If parents are extended in different categories, determine Employment Services requirements separately. A parent extended as ill, injured, or incapacitated IS NOT required to participate in Employment Services, a parent extended as employed or hard to employ MUST meet Employment Services requirements.

When 1 Parent Reaches Month 60 Before the Other

When 1 parent reaches month 60 before the other, evaluate the parent who has reached 60 months for an extension. A parent extended as ill, injured, or incapacitated category must follow treatment recommendations of their health care provider, but IS NOT required to participate in Employment Services.

The parent who has not reached the 60-month limit must continue to meet Employment Services requirements. Review the Employment Services status and Employment Plan of this parent to determine if the activities identified in the Employment Plan are still appropriate.

MFIP participants who have household members with serious disabilities qualify for an extension to the 60-month time limit when certain “special medical criteria” are met. These provisions apply to:

▶ **Participants with a child in the household who meets disability or medical criteria for:**

- Home care services.
- Community-based waiver services.
- Severe emotional disturbance.

OR

▶ **Participants with an adult in the household who meets disability or medical criteria for:**

- Home care services.
- Community-based waiver services.
- Serious and persistent mental illness

NOTE: Although the adult or child must meet eligibility criteria, he/she does not need to be receiving services.

“Special medical criteria” means that 1 of the following applies:

- ▶ **HOME CARE SERVICES** - Child or adult in the household who meets the disability or medical criteria for home care services. For the purpose of this determination, home care services means a medically necessary health service that is ordered by a physician and documented in a service plan that is reviewed by the physician at least once every 60 days for the provision of home health services or private duty nursing, or at least once every 365 days for personal care. Home care services are provided to the client at the client’s residence that is a place other than a hospital or long term care facility.
- ▶ **HOME AND COMMUNITY-BASED WAIVERED SERVICES** - Child or adult in the household who meets the disability or medical criteria for a home and community-based waiver services program. The provisions of these criteria apply to the following home and community-based waiver services programs:
 - **Alternative Care Grant Program (ACG):** A state-funded program that targets people age 65 or older who are at risk of nursing facility level of care and whose personal financial resources would allow no more than a 6-month stay in a nursing facility. The service menu is the same as that available for people receiving services under the Elderly Waiver.

-
- **Community Alternatives for Disabled Individuals (CADI):** Targets people under the age of 65 at risk of nursing facility level of care.
 - **Community Alternative Care (CAC):** Targets people under the age of 65 at risk of long term or frequently recurring hospitalization (initially designed to serve medically fragile children).
 - **Traumatic Brain Injury Waiver (TBIW):** TBIW targets people at risk of the level of care provided in a neurobehavioral hospital or those at risk of the level of care provided in a specialized nursing facility (designed for people who have cognitive and/or behavioral issues).
 - **Waiver for Persons with Mental Retardation or Related Conditions (MR/RC Waiver):** Targets people who are determined to have MR/RC and are at risk of the level of care provided in an Intermediate Care Facility for people with mental retardation (ICF/MR).
 - **Elderly Waiver (EW):** Targets people over the age of 65 who are in a nursing facility or at risk of placement in a nursing facility.

Each of the waivers serves both people moving from an institutional setting to the community and people who are determined to be "at risk of" the level of care provided in the respective institutional setting.

CADI, TBIW, and CAC clients may remain on the waiver after age 65 if warranted by their needs and service plan.

- ▶ **SEVERE EMOTIONAL DISTURBANCE (SED)** - There is a child in the household who meets the following definition of "severe emotional disturbance" as determined by a qualified professional, such that he/she:
 - Has been admitted within the last 3 years or is at risk of being admitted to inpatient or residential treatment.OR
 - Is a Minnesota resident receiving inpatient treatment or residential treatment for the emotional disturbance through the Interstate Compact.OR

-
- Has been determined by a mental health professional to have psychosis or clinical depression, to be at risk of harming self or others, or to have psychopathological symptoms that resulted from physical or sexual abuse or psychic trauma within the past year.

OR

- Has significantly impaired home, school, or community functioning for at least 1 year or for a period that a mental health professional documents as presenting substantial risk of lasting at least a year.

- ▶ **SERIOUS AND PERSISTENT MENTAL ILLNESS (SPMI)** - There is an adult who meets the definition of “serious and persistent mental illness” as determined by a qualified professional, such that he/she:

- Has undergone 2 or more episodes of inpatient care for a mental illness within the past 24 months.

OR

- Has been continuously hospitalized or in residential treatment for more than 6 of the past 12 months.

OR

- Has a diagnosis of schizophrenia, bipolar disorder, major depression, or borderline personality disorder which significantly impairs his or her functioning, and a mental health professional documents that he/she is reasonably likely to have future episodes requiring inpatient or residential treatment unless ongoing case management or community support services are provided.

OR

- Has been court-committed as a mentally ill person in the past 3 years or has had his or her commitment stayed or continued.

OR

- Meets any of the criteria above, but the specified time period has expired.

OR

- Was diagnosed with severe emotional disturbance as a child and who a mental health professional has documented in the past 3 years is reasonably likely to have future episodes requiring inpatient or residential treatment unless ongoing case management or community support services are provided.

Participants in this category are presumed to be unable to work, and must be evaluated for extension on or before the 60th month.

BANKING MONTHS

Participants with an adult or child in the household who meets special medical criteria may have banked months beginning 1-1-98. These months are used to extend eligibility after the 60-month time limit is reached and ONLY when a participant no longer meets the condition for extension under the special medical criteria. Participants who have banked months must use them before they can be assessed for another category of extension.

Participants using banked months are subject to regular Employment Services requirements and pre-60 month sanction policies.

After banked months are exhausted, the participant should be **re-evaluated** to determine whether another extension category applies.

NOTE: A caregiver can accrue banked months based on the special medical criteria of a child or other adult in the household, but cannot bank months based on his or her own special medical criteria. If the participant meets these criteria, the participant may be extended under the ill or incapacitated category, for example, but would not bank months.

As long as the participant has a household member who meets the special medical criteria, he/she will bank months to be used after reaching the time limit when there is no longer eligibility for a special medical criteria extension. Participants who volunteer for Employment Services or choose to work do not lose eligibility for the extension.

In a 2-parent household with a child or an adult who meets the special medical criteria, only 1 parent is presumed to be prevented from obtaining or retaining employment. If the family provides documentation from their health care provider that a 2nd parent is also needed in the home to care for the child or adult who meets the special medical criteria or disability, extend 1 parent in the special medical category, and extend the other in the category for participants whose presence is needed in the home. See §9.2 (Ill/Incapacitated Extensions), §9.2.30 (Needed in the Home Extension Criteria).

EMPLOYED EXTENSIONS

9.4

MFIP participants may be eligible for an extension of benefits in the employed category if they:

- ▶ Were in compliance 10 of the last 12 months immediately preceding month 61, including month 60.

AND

- ▶ Meet the hourly requirements. Counties must provide the opportunity for subsidized employment to participants needing that type of employment in order to be extended.

Compliance means the participant was not in sanction for any reason (for example, ES, child support, financial orientation, convicted drug felon). Participants extended in this category MUST participate in Employment Services.

Hourly requirements vary for 1-parent and 2-parent families, and for participants who are able to work only a limited number of hours. For hourly requirements, see §9.4.10 (Employed Extension Criteria - 1-Parent Units), §9.4.20 (Employed Extension Criteria - 2-Parent Units), §9.4.30 (Limited Work Due to Illness/Disability Extension Criteria).

When the participant has accepted a job that begins during the 60th or 61st month, there must be a reasonable expectation that the participant will work an average of at least the number of hours required for the extension in the coming month. DHS recommends that the decision be based on the participant's current employment situation and/or employment offer.

For purposes of the employed extension category, employment means:

- ▶ Subsidized private sector or public sector employment, including Grant Diversion.
- ▶ Unsubsidized employment.
- ▶ On-the-job training.
- ▶ Apprenticeship.
- ▶ Supported work. See SUPPORTED WORK in §1.3.13 (Glossary: S...).
- ▶ Work study.

OR

- ▶ A combination of any of the bulleted items above.

OR

- ▶ Providing child care services to another participant who is working in a community service program, if it is in combination with paid employment.

EMPLOYED EXTENSIONS**9.4**

NOTE: Participants who are complying with a child protection plan may count hours required in their plan toward the requirement for the employed extension.

See §7.1 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §9.1 (Hardship Extensions) for general information and requirements for hardship extensions.

LOSS OF EMPLOYMENT/REDUCTION IN HOURS

Whenever there is a loss of employment or a reduction in hours, you should assist the participant to return to work or increase their hours as soon as possible. Counties/job counselors should consider referring participants to employers they know are hiring, temporary agencies, or placing the participants in a work experience when appropriate.

If the loss of employment or reduction in hours is involuntary (laid off or lose a job through no fault of their own), the participant is not subject to the hourly employment requirement for 1 month but must meet all remaining requirements in the Employment Plan. The 1-month period begins the day after the employment ended or hours were reduced. In cases where involuntary loss of employment or involuntary reduction in hours is claimed but not documented, have participants sign a statement that this occurred through no fault of their own. Counties and ES Providers have flexibility to do as much verification as they deem necessary.

The 1-month exemption from meeting work requirements is available to each client extended as employed twice (non-consecutive) in a 12-month period. The 1-month grace periods are person-based, and apply separately to each parent in a 2-parent household (each employed parent is allowed 2 grace periods).

Participants who fail to meet the hourly requirements for this extension, without good cause, should be sanctioned or permanently disqualified. See §9.5 (Post 60-Month ES Sanctions - General Provisions).

GOOD CAUSE FOR NOT MEETING HOURLY REQUIREMENTS - INVOLUNTARY LOSS OF EMPLOYMENT

Good cause for not meeting hourly employment requirements may only be granted for the portion of the month in which good cause applies. Participants must meet all remaining requirements in the Employment Plan. This provision may also be applied if good cause for not meeting hourly requirements continues beyond a 1-month exemption from hourly meeting employment requirements (involuntary loss of employment/reduction in hours).

EMPLOYED EXTENSIONS**9.4**

Good cause provisions in statute may be applied to extended cases. Good cause is used in cases when a drop below hourly requirements is temporary and intermittent. An example would be a participant who misses a few hours or days of work due to illness, child care or transportation problems, or some other emergency.

The same grace period also applies to cases where participants are willing to accept suitable employment but none is available. The participant is exempt from the hourly employment requirement for 1 month. Participants must meet all remaining requirements in the approved Employment Plan or be subject to sanction or permanent disqualification. This exemption is available to each participant 2 times in a 12-month period.

EMPLOYED EXTENSION CRITERIA - 2-PARENT UNITS**9.4.20**

One or both parents in a 2-parent family may be eligible for an “employed” extension when they work at a certain level. Requirements for parents in a 2-parent family differ depending on whether they reach the 60-month time limit at the same or different times, and whether both request an extension in the same category.

Hourly requirements for an employed extension in this section are minimums. Require the maximum number of hours appropriate for the participant(s) even if it exceeds the minimum hourly requirement for the extension. Participants who are working hours above the minimum hourly requirement prior to being extended may only decrease those hours with approval from a job counselor, and in conjunction with a revised Employment Plan. This should not be done unless there is a compelling reason to do so.

In 2-parent families where only 1 parent is extended under this category (for example the 2nd parent is in pre 60-month status, removed from the household being extended, or extended under another category) follow the single parent minimum hourly requirements.

Parents extended in this category are required to participate in Employment Services and may be sanctioned for non-compliance, including a reduction in hours or loss of employment.

WHEN BOTH PARENTS REACH THE 60-MONTH LIFETIME LIMIT AT THE SAME TIME

- ▶ Both parents must be in compliance with all program requirements in the 60th month. Being in compliance means the participant(s) is not in sanction for non-cooperation with ANY MFIP program requirement, including non-cooperation with child support. If 1 parent is not in compliance in month 60, that parent may be removed.
- ▶ Both must be in compliance 10 out of the last 12 months. If both parents fail to be in compliance 10 of the 12 months preceding month 61, the MFIP case must NOT be extended under this category. When only 1 parent does not meet the 10 of 12 months compliance requirement, the family has the option to remove that parent and extend the case if the remaining parent meets the remaining criteria. If the parent who failed the 10 out of the last 12 months compliance requirement is removed, the 1-parent work requirement under the employed category (30/25 hrs) applies to the remaining parent, and the MFIP grant must be calculated using the Shared Household Standard. If the parent who was removed has income, it is deemed to the MFIP unit. The parent who was removed may apply for and receive Food Support, if otherwise eligible. The financial worker will review health care eligibility for the disqualified member.

EMPLOYED EXTENSION CRITERIA - 2-PARENT UNITS

9.4.20

NOTE: If you are evaluating 1 parent for the employed extension and the other for a different extension type, the parent who is being evaluated for an extension other than employed is NOT subject to the 10 of 12 months compliance test.

- ▶ Both parents must meet criteria for an extension or have banked months in order for MFIP to be continued. If the case is closed because neither parent qualifies nor has banked months, a review must be conducted by your supervisor or a review team designated by the county.
- ▶ Both parents must follow an Employment Plan.
- ▶ When both parents are extended as employed, they must participate in work activities at least 55 hours per week each month, 45 of which on average must be employment. Hours may be divided between the 2 parents in any way that works for their particular situation and should be documented in the Employment Plan. When 1 parent is completing all the minimum hours required for this extension, the other parent's plan should require the maximum hours of work activities you determine he/she is able to complete.

WHEN 1 PARENT REACHES THE 60-MONTH LIFETIME LIMIT BEFORE THE OTHER

To be eligible for the employed extension, the participant who has reached month 60 must:

- ▶ Be in compliance with all program requirements in the 60th month.
- ▶ Be in compliance with all program requirements in 10 out of the last 12 months preceding month 61.
- ▶ Participate in work activities at least 30 hours per week per month, 25 of which on average must be employment. Participants must meet minimum work requirements, and they are NOT exempt from ES requirements.

NOTE: If the participant who has not reached 60 months is also employed, the combined minimum participation rate for the 2-parent family is 55 hours a week, 45 of which must be employment.

- ▶ If the parent who reaches month 60 does not meet criteria for an extension or is in sanction in month 60 he/she may be removed. The case then follows pre-60 month policies.

See §7.1 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §9.1 (Hardship Extensions) for general information and requirements for hardship extensions.

MFIP/DWP ASSISTANCE STANDARDS

APPENDIX A

MFIP: # Eligible People	FAMILY WAGE LEVEL	-----TRANSITIONAL STANDARD-----		
		Full Standard	Cash Portion	Food Portion
1	\$ 417	\$ 379	\$ 250	\$129
2	\$ 743	\$ 675	\$ 437	\$238
3	\$ 964	\$ 876	\$ 532	\$344
4	\$1,140	\$1,036	\$ 621	\$415
5	\$1,298	\$1,180	\$ 697	\$483
6	\$1,485	\$1,350	\$ 773	\$577
7	\$1,619	\$1,472	\$ 850	\$622
8	\$1,785	\$1,623	\$ 916	\$707
9	\$1,949	\$1,772	\$ 980	\$792
10	\$2,107	\$1,915	\$1,035	\$880
Each add'l person	\$ 156	\$ 142	\$ 53	\$ 89

Use the Family Wage Level (FWL) standard only for units with earned income. See §0022.12 (How to Calculate Benefit Level - MFIP/DWP/GA).

For families with a child subject to the family cap, apply the FWL for the household size including that child. To determine the Transitional Standard to apply, add the cash portion for the household size **not including** the child to the food portion for the household size **including** the child. See §0014.06.03 (Family Cap).

Some state and federal programs do not count the food portion as income. Examples of these programs include housing subsidy programs, low income energy assistance program, and Supplemental Security Income when determining interim assistance amount.

SHARED HOUSEHOLD STANDARD :

# Eligible People	Full Standard	Cash Portion	Food Portion
1	\$ 354	\$ 225	\$129
2	\$ 631	\$ 393	\$238
3	\$ 823	\$ 479	\$344
4	\$ 974	\$ 559	\$415
5	\$1,110	\$ 627	\$483
6	\$1,273	\$ 696	\$577

7	\$1,387	\$ 765	\$622	
8	\$1,531	\$ 824	\$707	
9	\$1,674	\$ 882	\$792	
10	\$1,812	\$ 932	\$880	
Each add'l person	\$ 137	\$ 48	\$ 89	

NOTE: Assistance standards for a household of more than 10 are calculated by MAXIS.

The Shared Household Standard does NOT apply if:

- ▶ The MFIP member is a victim of family violence.
- OR
- ▶ The non-MFIP member meets the eligible caregiver requirement.
- OR
- ▶ The MFIP family includes a child subject to the family cap. See §6.1.10.03 (Family Cap).

Use the Shared Household Standard unless unrelated household members meet at least 1 of the following EXCEPTIONS:

- ▶ RECEIVING PUBLIC ASSISTANCE:
 - Minnesota Family Investment Program (MFIP).
 - General Assistance (GA).
 - Emergency General Assistance (EGA).
 - Minnesota Supplemental Aid (MSA).
 - Minnesota Food Assistance Program (MFAP).
 - Refugee Cash Assistance (RCA).
 - Food Support (FS).
 - Medical Assistance (MA).
 - General Assistance Medical Care (GAMC).
 - MinnesotaCare.
 - Supplemental Security Income (SSI).
 - Adoption Assistance.
 - Relative Custody Assistance.
 - Foster Care.

- ▶ ROOMER, BOARDER, OR A PERSON TO WHOM ROOM OR BOARD IS PAID:
For this to apply, the unit must meet the definition of ROOMER/BOARDER, not simply share living expenses. If the MFIP unit is receiving roomer/boarder income, consider the income as self-employment.
- ▶ MINOR CHILD:
- ▶ MINOR CAREGIVER:
This includes minor caregivers living with parents or in an approved supervised living arrangement, if applicable.
- ▶ CAREGIVER OF A CHILD NOT IN THE MFIP ASSISTANCE UNIT:
This refers to the relationship of an unrelated person in the household to a child that is not considered part of the MFIP assistance unit.
- ▶ PROVIDING CHILD CARE TO A CHILD IN MFIP ASSISTANCE UNIT:
This refers to the unrelated person providing care for a child who is part of the MFIP assistance unit.

For detailed information on how to calculate the food portion benefit for children born into an assistance unit that has received MFIP for 10 months or more, see §6.1.10.03 (Family Cap).

DWP: Follow the CASH portion of the MFIP Transitional or Shared Household Standard, whichever is appropriate. The maximum monthly benefit amount available under DWP is the difference between the unit's needs and the unit's countable income, not to exceed the cash portion of the MFIP standard of need.

MFIP Initial Eligibility Threshold Guide Appendix A

The maximum earnings on this initial eligibility threshold chart are calculated assuming that the unit is employed at application, has only earned income, has not been on assistance in the previous 4 months, receives the regular transitional standard and has no children subject to the family cap (beginning 5/04). The earnings amounts listed also assume that the unit has no child care expenses, makes no child or spousal support payments and allocates no income to others in the household. This chart should be used only as a guide and not to determine eligibility.

To be eligible for MFIP, the assistance unit's gross earnings minus an 18% disregard must be below the Transitional Standard for that size unit in the month of application. These earnings thresholds also apply to a DWP family who applies for MFIP after having received 4 months of DWP benefits.

Household Size	Transitional Standards (effective October, 2004)	Maximum Gross Earnings of Applicant to be Eligible for MFIP	2004 Monthly Federal Poverty Guidelines	Percent of Federal Poverty Guidelines
1	\$ 379	\$ 460	\$ 776	59 %
2	\$ 675	\$ 821	\$ 1,041	79 %
3	\$ 876	\$ 1,067	\$ 1,306	82 %
4	\$ 1,036	\$ 1,262	\$ 1,571	80 %
5	\$ 1,180	\$ 1,437	\$ 1,836	78 %
6	\$ 1,350	\$ 1,645	\$ 2,101	78 %
7	\$ 1,472	\$ 1,793	\$ 2,366	76 %
8	\$ 1,623	\$ 1,978	\$ 2,631	75 %
9	\$ 1,772	\$ 2,159	\$ 2,896	75 %
10	\$ 1,915	\$ 2,334	\$ 3,161	74 %

Effective 10/1/04

MFIP EXIT POINTS

Appendix A

Unless otherwise noted, this table assumes 40 hours per week and 4.3 weeks per month. It also assumes no allocation, deeming or sanctions. Calculations are based on MFIP standards effective October, 2004. The current minimum wage is \$5.15 per hour for large employers. The earned income disregard is 36% of gross earnings.

AMOUNT OF EARNINGS NEEDED TO REACH THE FOOD PORTION

(MFIP does not count against 60-month clock if only the food portion is received)

Household Size	Full MFIP Food	Monthly Income	Annual Income	Weekly Hours at Minimum Wage	Hourly Wage	Child Care Co-Pay when Lose Cash Portion	2004 FPG	Percent of FPG when Lose Cash Portion
1	\$129	\$ 449	\$ 5,388	20 hrs	\$ 5.15 @ 20 hrs	NA	\$ 9,310	58 %
2	\$238	\$ 788	\$ 9,456	36 hrs	\$ 5.15 @ 36 hrs	\$10	\$12,490	76 %
3	\$344	\$ 968	\$11,616	44 hrs	\$ 5.63	\$10	\$15,670	74 %
4	\$415	\$1,132	\$13,584	51 hrs	\$ 6.58	None	\$18,850	72 %
5	\$483	\$1,272	\$15,264	57 hrs	\$ 7.40	None	\$22,030	69 %
6	\$577	\$1,418	\$17,016	64 hrs	\$ 8.24	None	\$25,210	67 %
7	\$622	\$1,557	\$18,684	70 hrs	\$ 9.05	None	\$28,390	66 %
8	\$707	\$1,683	\$20,196	76 hrs	\$ 9.78	None	\$31,570	64 %
9	\$792	\$1,807	\$21,684	82 hrs	\$10.51	None	\$34,750	62 %
10	\$880	\$1,916	\$22,992	87 hrs	\$11.14	None	\$37,930	61 %

AMOUNT OF EARNINGS NEEDED TO EXIT MFIP

Household Size	Family Wage Level	Monthly Income	Annual Income	Hourly Wage	Child Care Co-Pay when Exit MFIP	2004 FPG	Percent of FPG when Exit MFIP
1	\$ 417	\$ 651	\$ 7,812	\$ 5.15 @ 29 hrs	NA	\$ 9,310	84 %
2	\$ 743	\$1,160	\$13,920	\$ 6.74	\$ 46	\$12,490	111 %
3	\$ 964	\$1,505	\$18,060	\$ 8.75	\$ 60	\$15,670	115 %
4	\$1,140	\$1,780	\$21,360	\$10.35	\$ 70	\$18,850	113 %
5	\$1,298	\$2,027	\$24,324	\$11.78	\$ 81	\$22,030	110 %
6	\$1,485	\$2,319	\$27,828	\$13.48	\$ 93	\$25,210	110 %
7	\$1,619	\$2,529	\$30,348	\$14.70	\$100	\$28,390	107 %
8	\$1,785	\$2,788	\$33,456	\$16.21	\$111	\$31,570	106 %
9	\$1,949	\$3,044	\$36,528	\$17.70	\$117	\$34,750	105 %
10	\$2,107	\$3,291	\$39,492	\$19.13	\$128	\$37,930	104 %

Effective 10/1/04

**WHAT TO INCLUDE
IN MFIP/DWP ES PAPER FILES**

- Copies of Employment Plans and EP modifications with participant and job counselor signature.
- Rights and Responsibilities form, Release of Information forms.
- Assessment materials, test scores etc., CD, MH and LD screening tools and observation check lists.
- Medical, psychological, and other pertinent data collected.
- Notice of Intent to Sanction (NOITS) and other communications sent to the participant.
- Copies of Status Updates still generated manually by the job counselor.
- Copies of “job logs” or other forms where a participant verifies having performed the hours of activities contained in the EP. Verification of hours entered on WF1 needed for audit purposes.
- Forms required for the Injury Protection Program. See §3.19 (Injury Protection Program).
- Copies of OJT contracts or worksite agreements with employers.
- Any documents needed for an external or internal fiscal review or audit.

MFIP Participation Rate

ACTIVITIES	Core Y/N
Paid work pulled from MAXIS*	Y
Community Work Experience Program CWEP	Y
Unpaid Work Experience	Y
Assessment**	Y
Job Search**	Y
Volunteer & Community Service	Y
Training/Educ- 12 mos or less	Y
Providing Child Care for parents participating in CWEP	Y
Self –Employment Investment Demo SEID	N

Categories below are countable only if last grade completed is < 12 on MAXIS

ESL ***	N
Adult Basic Ed/remedial training	N
Functional work literacy	N
High School Completion****	N
GED training	N

* Includes subsidized, unsubsidized employment and OJT

** There is a 6-week limit per Federal Fiscal Year (a week is 4 hours or more of activities.)

*** All education related activities can count hours spent doing homework as well as class time.

**** If client is < 20 years old and in school use MAXIS data from the SCHL panel .

Fulltime = 152 hrs/mo, 1/2 and less 1/2 = 87 hrs/mo If client is > 20 use DEED hours only.

Core hours must be > 87 hrs/mo so that the non-core hours can be counted. Total of 130 hrs/mo needed to meet the federal participation rate.

Core hours are not needed for teen caregivers in school if the teen caregiver is married or the only eligible adult in the household.

Cases with child < 6 yrs old and one eligible adult can meet 87 hrs/mo requirement with either core or non-core hours.

