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TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators

FROM: Janice Peters, Director
Bureau of Working Families
Division of Family and Economic Security

DFES OPERATIONS MEMO					
No: 08-50					
DATE: 10/21/2008					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>
W-2	<input checked="" type="checkbox"/>	FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
				EP	
PRIORITY: High					

SUBJECT: TANF Final Rule

CROSS REFERENCE: [Operations Memo 07-55, W-2 Work Participation Documentation, Verification and Supervision Policy and Procedures](#)

[Operations Memo 07-65, Follow-Up Q & A for W-2 Work Participation Documentation, Verification and Supervision Policy and Procedures](#)

[Operations Memo 08-12, Updates to Wisconsin Works \(W-2\) CARES Activities and the Impacts on Work Participation Documentation and Verification Procedures](#)

EFFECTIVE DATE: Immediately

PURPOSE

This memo provides:

1. Information about changes to Wisconsin Works (W-2) policy for assigning and recording hours of participation for some W-2 work program activities as a result of the Temporary Assistance for Needy Families (TANF) Final Rule;
2. An updated list of definitions for work program activities in CARES; and
3. A description of how the TANF Final Rule impacts the Federal Work Participation Rate calculations.

BACKGROUND

On February 5, 2008, the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) released the final regulations for the TANF program. The TANF Final Rule includes a number of changes and clarifications from the TANF Interim Final Rule. The changes take effect immediately.

The changes and clarifications fall into two categories. First, this memo discusses changes to W-2 policy for assigning and recording W-2 work program activities. These changes directly affect W-2 policy and practice. Second, this memo discusses items which impact Federal Work Participation Rate calculations. These are changes that indirectly affect W-2 policy and practice.

CHANGES TO POLICY AND PROCEDURES FOR SOME W-2 ACTIVITIES

Although there are no changes to the list of W-2 work program activities that may be counted towards Federal Work Participation Rates, the policy for assigning and recording hours of participation for some activities has changed and the definitions were revised to align them with the TANF Final Rule.

Work Experience

The TANF Final Rule now allows orientation activities to be included when assigning and recording hours of work experience.

W-2 Agency Action

When a W-2 participant is being assigned to a work experience site, the W-2 Agency can include orientation activities as part of the assignment of hours to the Work Experience activity. This may include such things as W-2 workshops that prepare a participant for the Work Experience activity; meeting with W-2 agency staff to be matched with potential work sites; and preparing for and participating in worksite interviews.

Agencies are reminded that when an orientation activity is included as part of the assignment of Work Experience on WPCS, the [W-2 Documentation, Verification and Supervisions requirements](#) must be followed. These requirements are covered in Operations Memos [07-55](#) and [08-12](#).

The following activity is impacted:

WE	Work Experience
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The following language is added to the Work Experience activity definition: "Work Experience includes orientation activities conducted either by the W-2 agency or the work training site provider that prepare a participant for a specific work site."

These changes can be made for any W-2 participant participating in a Work Experience activity on or after October 1, 2008.

Study Time

The TANF Final Rule now allows up to one hour of unsupervised study time for each hour of class time in addition to supervised study time.

W-2 Agency Action

1. Review cases assigned to education and training activities.
2. Contact the educational program providing the services to determine if unsupervised study time is appropriate. If it is, obtain a statement from the educational program indicating the amount of study time required and scan it into the Electronic Case File using the SCHL code.
3. Meet with the participant to explain the change in hours and revise and sign the Employability Plan (EP).
4. If appropriate, adjust the assigned hours for the activity in CARES. As a reminder, when increasing or decreasing the hours for an activity, the worker must record an Actual End Date for the activity and re-enter the activity with a new Begin Date and the new weekly and daily scheduled hours to reflect the change in the number of assigned hours.

The following activities are impacted:

JS	Job Skills Training
TC	Technical College Activities
VA	Vocational Adult Basic Education
VE	Vocational English as a Second Language
VL	Vocational Literacy Skills
BE	Adult Basic Education
EL	English as a Second Language
LS	Literacy Skills
GE	General Education Development
HE	High School Equivalency Diploma
RS	Regular School (K-12)

The following language was deleted for each of the above education and training activity definitions: "Study time that is required for [specific activity] should also be assigned under this activity. Study time must be supervised and tracked for attendance purposes."

The following language is added to the education and training activity definitions: "Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours."

These changes can be made for any W-2 participant participating in an education or training activity on or after October 1, 2008.

Vocational Adult Basic Education, Vocational English-as-a-Second Language and Vocational Literacy Skills as Part of a Job Skills Training

The TANF Final Rule no longer requires Vocational Adult Basic Education, Vocational Literacy Skills or Vocational English-as-a-Second Language to be of “limited duration” when completed as part of a Job Skills Training program.

W-2 Agency Action

After October 1, 2008, when determining whether Adult Basic Education, English-as-a-Second-Language or Literacy Skills are part of a job skills training and should be assigned as VA, VE or VL, the W-2 agency no longer needs to consider whether the activity is of limited duration. The activity, however, must be a necessary or regular part of the job skills training. Activities do not automatically meet this definition based solely on the fact that they immediately precede the job skills training. Rather, the VA, VE and VL activities may be assigned only in instances when a job skills training program has been identified for the participant and the VA, VE or VL activity is assigned to prepare the participant for that specific job skills training program. The VA, VE and VL activities may also be assigned concurrently with the job skills training when appropriate. Below are two examples.

Example One

José is currently participating in a CSJ. His limited English has made it difficult to obtain employment. He is interested in beginning a career in automotive repair and would like to enroll in a one-semester automobile repair certificate program offered at his community technical college. Before enrolling in the certificate program, the W-2 agency assists José in enrolling in a Vocational English-as-a-Second-Language course. Although the emphasis is on learning to speak English, this course is taught in the context of work. After the students participate in an initial assessment, they begin by learning English associated with automobile repair in a “world of work” class that focuses on hands-on, work-based learning. This activity would meet the W-2 definition of Vocational English-as-a-Second-Language (VE). After passing a series of competencies, José will move on to the automotive repair training.

Example Two

Susan is a CSJ participant who has struggled with employment because of her low reading level. She would like to get training to start a career in early childhood education but she needs to increase her reading level in order to pass the necessary coursework. The W-2 worker assists Susan in finding an early childhood education certificate program that offers adult basic education courses that may be taken concurrent with the technical course work. Because the adult basic education course is assigned to enable Susan to complete the early childhood education coursework, it meets the definition of Vocational Adult Basic Education (VA).

The following activities are impacted:

VA	Vocational Adult Basic Education
VE	Vocational English-as-a-Second-Language
VL	Vocational Literacy Skills

The following language is removed from each activity definition: “The course must be of limited duration.”

UPDATED LIST OF DEFINITIONS FOR WORK PROGRAM ACTIVITIES IN CARES

Attached to this memo is an updated list of work program activities and definitions that:

- Covers changes to the activity definitions that were described in this memo as well as activity changes that were described in [Operations Memo 08-12](#);
- Describes which activities assigned under the W-2 program will count towards Federal Work Participation; and
- Updates which activities may be assigned under the FSET program.

KEEPING THE EMPHASIS ON THE PARTICIPANT

A reminder to workers that the emphasis of the W-2 program continues to be on engaging participants in work and training activities to the fullest extent possible. While W-2 agencies must have a working knowledge of Federal Work Participation Requirements, the W-2 program must continue first and foremost with the goal of helping individuals overcome employment barriers and develop the skills needed to become gainfully employed.

CHANGES TO FEDERAL WORK PARTICIPATION RATE CALCULATIONS

A series of changes were made in the TANF Final Rule which change the way states count work activities for Federal Work Participation Rate calculations.

Counting Job Search and Job Readiness Activities for Federal Work Participation Rates¹

These include:

AA	AODA Assessment
AD	Disability & Learning Assessment
AL	Physicians Assessment
AM	Mental Health Assessment
CA	AODA Counseling
CE	Career Planning and Counseling
CM	Mental Health Counseling
CR	Career Advancement Services
ES	Employment Search
JR	Job Retention Services
LF	Life Skills
MN	Mentor/Coach
MO	Job Readiness/Motivation

¹ The list of Job Search and Job Readiness activities that may count towards Federal Work Participation has not changed.

OC	Occupational Testing
PR	Physical Rehabilitation
UC	Up-front Career Planning
UE	Up-front Employment Search
UR	Up-front Job Readiness/Motivation

TANF Interim Final Rule Requirements (Effective October 1, 2006 through September 30, 2008)
Job Search and Job Readiness activities count towards Core requirement for Federal Work Participation Rate calculations:

- Limited to a total of 12 weeks.²
- Limited to four consecutive weeks.
- Time frame for limit was the Federal Fiscal Year (October 1 – September 30).

TANF Final Rule Requirements (Effective October 1, 2008)

Job Search and Job Readiness activities count towards Core requirement for Federal Work Participation Rate calculations:

- Limited to a total of 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals.³
- Limited to four consecutive weeks.
- Time frame for limit is the preceding 12 months.

Reporting Process

Wisconsin maintains a federal reporting database (FRoD) which tracks both the number of hours used for job search/job readiness in the preceding 12 months for each individual and the number of consecutive weeks. If any job search/ job readiness hours are used during a week, they are counted as a week of job search/ job readiness for tracking consecutive weeks. For tracking total hours in the preceding 12 months, the counter for job search/job readiness decreases by the number of hours each month for which this category is used. When the counter reaches zero, no job search/job readiness hours are reported.

W-2 Agency Action

No action is needed by the W-2 Agency. The Department of Children and Families (DCF) continues to instruct W-2 Agencies to assign Job Search and Job Readiness Activities based on the individual needs of the W-2 participant. DCF staff calculate the Federal Work Participation Rates using a specific protocol which takes all of the federal requirements into consideration. W-2 Agencies must not “skip” a week of Job Search and Job Readiness Activities for a participant, who would otherwise be assigned these activities, in an attempt to work around the four consecutive week limit.

² Wisconsin currently qualifies as a “needy state” because of an increase in the food stamp caseload compared to the 1994 and 1995 food stamp caseload. States that do not meet this definition are limited to six weeks of Job Search and Job Readiness Activities for Federal Work Participation Rate reporting purposes.

³ Wisconsin currently qualifies as a “needy state” because of an increase in the food stamp caseload compared to the 1994 and 1995 food stamp caseload. States that do not meet this definition are limited to total of 120 hours for a single parent of a child under age six and 180 hours for all other work-eligible individuals of Job Search and Job Readiness Activities for Federal Work Participation Rate reporting purposes.

Good CauseTANF Interim Final Rule Requirements (Effective October 1, 2006 through September 30, 2008)

For Federal Work Participation Rate calculations, "good cause" for nonparticipation:

- Limited to a total of 10 days of good cause.
- Allowed 10 additional holidays including:
 1. New Year's Day
 2. Birthday of Martin Luther King, Jr.
 3. Memorial Day
 4. Independence Day
 5. Labor Day
 6. Thanksgiving Day
 7. Day after Thanksgiving Day
 8. Christmas Eve Day
 9. Christmas Day
 10. New Year's Eve Day
- Calculated in days.
- Limited to two days in any given month.⁴
- Time frame for limit was the preceding 12 months.

TANF Final Rule Requirements (Effective October 1, 2008)

For Federal Work Participation Rate calculations, "good cause" for nonparticipation:

- Limited to a total of 80 hours of good cause.
- Allows 10 additional holidays including:
 1. New Year's Day
 2. Birthday of Martin Luther King, Jr.
 3. Memorial Day
 4. Independence Day
 5. Labor Day
 6. Thanksgiving Day
 7. Day after Thanksgiving Day
 8. Christmas Eve Day
 9. Christmas Day
 10. New Year's Eve Day
- Calculates good cause in hours when not an identified holiday.
- Limited to 16 hours in any given month.⁵
- Timeframe for limit is the preceding 12 months.

Reporting Process

Wisconsin maintains a federal reporting database (FReD) which tracks nonparticipation. Wisconsin will count and report any hours missed due to good cause circumstances as excused hours missed under the maximum of 80 additional hours beyond holidays for excused absences that states may count in a rolling 12-month period. No more than 16 of these hours may occur in a month if the participant was scheduled to participate in an unpaid activity.

⁴ Excused holidays not considered in this limit.

⁵ Excused holidays not considered in this limit.

W-2 Agency Action

No action is needed by the W-2 Agency. DCF continues to instruct W-2 Agencies to grant good cause based on the individual circumstances of the W-2 participant. DCF staff calculate the Federal Work Participation Rates using a specific protocol which takes all of the federal requirements into consideration. W-2 Agencies must not deny good cause for a participant who would otherwise be granted good cause, in an attempt to meet the Federal Work Participation Rate.

TANF Work-Eligible Individuals Who Later Receive SSI or SSDITANF Interim Final Rule Requirements (Effective October 1, 2006 through September 30, 2008)

For Federal Work Participation Rate calculations:

- No consideration for TANF work-eligible individuals who later received SSI or SSDI.

TANF Final Rule Requirements (Effective October 1, 2008)

For Federal Work Participation Rate calculations:

- Allows states to retroactively remove TANF work-eligible individuals from the calculation who subsequently receive SSI or SSDI within the fiscal year.

Reporting Process

Wisconsin maintains a federal reporting database (FReD) which tracks work-eligible status. As needed, work-eligible individual indicators will be corrected and records will be resubmitted for work-eligible individuals not meeting work participation requirements who subsequently are approved for SSI or SSDI within the fiscal year as allowed by the Final Rule published in the Federal Register, Vol. 73, No. 24, February 5, 2008, page 6819. These corrections will be made by the end of the reporting for the fiscal year, i.e., December 31.

W-2 Agency Action

No action is needed by the W-2 Agency. DCF staff calculate the Federal Work Participation Rates using a specific protocol which takes all of the federal requirements into consideration.

CONTACTS

For Policy Related Questions: BWF Regional Office Staff

For CARES Processing Questions: W-2/CC Help Desk

ATTACHMENTS

Definitions and Codes for Work Program Activities in CARES

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, *Other EP – Other Employment Programs.

DCF/DFES/BWF/HH