



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

July 1, 2021

Temporary Assistance for Needy Families Manual

Transmittal # 71

This transmittal includes annual changes to the program calculations for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Education and Work (VIEW) Program. The purpose of this transmittal is to provide new, clarified and revised guidance for both the TANF and VIEW Programs.

Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after July 1, 2021. Several changes are being made resulting from General Assembly actions in the 2021 session.

HB 2035 modifies the Full Employment Program (FEP) for Virginia Initiative for Education and Work participants by (i) allowing FEP participants to continue receiving Temporary Assistance for Needy Families (TANF); (ii) disregarding wages received through FEP for purposes of calculating TANF; (iii) removing the requirement that a person be unable to find unsubsidized employment in order to participate in FEP; and (iv) allowing employers participating in FEP to receive a subsidy of up to \$1,000 per month for each FEP employee for a period not to exceed six months.

HB 1800 authorizes the Department of Social Services Temporary Assistance for Needy Families (TANF) block grant to implement an individual development account program so that TANF eligible individuals may save funds established for the purposes of home purchase, education, starting a business, transportation, or self-sufficiency. The TANF funds shall be deposited to the individual development accounts at a match rate of \$8 for every \$1 saved by the participant.

The Appropriations Act of 2021 authorized increases in payments of 10%. The new payment standards are included in Appendix II to Section 304. The maximum income screening levels were changed as well. (See Maximum Income Chart—Appendix I to Section 305).

These changes are effective for July 1. New payment levels will be changed by a VaCMS mass change and new amounts for payments for the month of July will begin to be seen in the system prior to July 1. Additional information on the implementation of these provisions will be issued separately.

This transmittal and manual are available on the Intranet through FUSION at <https://fusion.dss.virginia.gov/bp/BP-Home/TANF-and-VIEW/Guidance> and on the Internet at <http://www.dss.virginia.gov/benefit/tanf/index.cgi>.

Significant changes to the manual are as follows:

Page(s) Changed	Significant Changes
Section 102.2.C., page 1a	We added a Note regarding when permission was given to an authorized representative to receive correspondence.
Section 201.5.A., page 3b	The age of a person acting in the loco parentis role was changed from 21 to 18 years of age.
Section 201.10, page 2a	The title on the Absent Parent Detail Screen was updated from “Good Cause” to “ATL/Good Cause”. We updated the dropdown title from ATL to Cannot Identify Father, Client signed the Attest to the Lack of Information Form.
Multiple Sections, Pages and Examples: Section 201, Appendix X, pages 1, 2, 3, 4, 5, 6 and 7; Section 304, Appendix 2; Section 305.4, pages 39 – 41, 42a and 44; Section 502.2, Item A., pages 2 and 3; Section 503.7, Item H., page 2c; Section 503.8, Item B., pages 3 and 3a; Section 602.5, pages 6a and 6b; Section 801.6.c., page 4; Chapter 800, Appendix 1, pages 1 – 5; and, Chapter 900 Appendix II, pages 1 – 6.	We revised the Standard of Assistance for the noncooperation penalty calculation examples, deemed income examples, and the SOA figures and charts to reflect the 10% increase in the Standards of Assistance established by the Appropriations Act of 2021.
Section 203.1, pages 1 and 2	We added language to clarify when the Do you have a disability? form should be completed for Emergency Assistance (EA) applications.

	<p>Item G was added to clarify, “for current TANF recipients, needs can be met through EA without consideration of the regular TANF payment”.</p> <p>Items H and I were added. Guidance formally addressed in Item G are now separated and listed in Items H and I.</p>
<p>Section 203.2, pages 2 – 2c</p>	<p>At Item A, we made minor wording changes for clarity purposes to the needs covered by EA and the countable net income.</p> <p>An Example was added to clarify when the EA POI begins.</p> <p>Two Notes were added to address the evaluation of net countable income for the purposes of determining EA eligibility. An example was added to clarify how countable net income is evaluated in determining EA eligibility.</p> <p>At Item B., we updated the available resources section to state, TANF does not evaluate liquid resources and the cash on hand field in the VaCMS is not required to be completed.</p> <p>Due to the addition of EA guidance and clarification, Example 1, was moved to the top of page 2c.</p>
<p>Table of Contents, Chapter 300</p>	<p>We added a new Section 304.6 for the Reaching Independence through Savings and Education (RISE) program, the individual development account for TANF eligible individuals.</p> <p>We updated Appendix 3 to Section 304 to reflect the removal of Standards of Assistance for TANF-UP and TANF-UP/VIEW families. There will no longer be different payment amounts for TANF-</p>

	UP families in comparison to TANF families.
Section 304.5, page 4	For Relative Maintenance Support Payment, a separate TANF case should be established for all non-parent caretaker TANF cases. We revised Example 1 to reflect the increased standards of assistance.
Section 304.6, page 5	During the 2021 General Assembly session, House Bill 1800, the TANF block grant was appropriated funding to establish individual development accounts for TANF eligible individuals. The RISE program (Reaching Independence through Savings and Education) is an individual development account administered by VDSS and established for the purposes of home purchase, education, starting a business, transportation, or self-sufficiency.
Section 304, Appendix 3	We removed Appendix 3 that provided the Standards of Assistance for TANF-UP families. There will no longer be different payment amounts for TANF-UP families in comparison to TANF families.
Section 305.3, page 14	We added an example of self-employment under earned income.
Section 305, Appendix I	We updated the maximum income chart.
Section 401.1, page 2a	At Item E., we updated guidance to include, if applicable, notification of the processing time standard is to be mailed to the applicant or authorized representative.
Section 401.4, page 9a	We added page 9a, Item F, to reflect that the Authorized Representatives are able to receive notices. The list of notices generated through VaCMS are on page 9a.

Chapter 400, Appendix II, pages 1, 3 and 4	Reference to SPARK and the Knowledge Center were updated to FUSION and Virginia Learning Center references and links.
Section 502.5, page 5a	We removed “or bonus payment” from the first section E, paragraph 2 because bonus payments will no longer be paid to employers during Full Employment Program assignments.
Chapter 800, Appendix 1, page 4	We moved the last paragraph to the top of page 5.
Chapter 800, Appendix 1, page 5	We moved to the last paragraph from page 4 to the top of this page. We made minor wording changes to the example for clarity purposes.
Section 901.3, page 4a	We removed “TANF payment will stop” and replaced with the statement “The TANF payment will continue per 901.14”.
Section 901.10, page 9a	We have added guidance regarding when permission is given to an authorized representative to receive correspondence.
Section 901.14, page 13	We removed “in lieu of TANF payments” and “rather than”, “Only one person in a case shall be assigned to a FEP placement at any time”. Added that both parents on a TANF-UP case may be eligible to participate in FEP simultaneously. Added examples. In Section B, removed” despite no payment being made to the client”
Section 901.14, page 13a	New page added to accommodate the update to FEP guidance.
Section 901.14, page 14 and 15	At section B, we added number 4. The statement on the \$300 stipend is replaced with the employer tier payment information. At Section C., we added examples.

Section 901.14, page 15a	To accommodate the updated FEP guidance, we added page 15a and moved Section G to this page.
Chapter 1000, VIEW Definitions, page 2	We revised the definition for Full Employment Program (FEP).
Section 1000.1, page 8	We removed “instead of” and replaced with “and” because FEP participants will receive both wages and a TANF payment.
Section 1000.13, page 41	Added information on the FEP employer stipend tiers and replaced “TANF benefits are not” with “will be”. Item D.3., was moved to the top of page 42.
Section 1000.13, page 43	Guidance from the paragraph at Item D.4.e.3., was continued to the top of page 43.
Secton 1000.13, page 45	We removed “Two types of payments are made to an employer” and updated guidance with, “One type of payment is made to an employer”. We added information about the new FEP tiers. At Item 6.a.1., guidance was updated removing the employer bonus payment and updated to reflect the employer FEP tiered stipend. We removed reference to the issuance of the supplemental TANF payment as the FEP participants TANF payment continues during the FEP placement. We moved “Limitations on Payments to the Employer” from 6.a.1. to 6.b. At Item 6.b.2., we removed statements on the employer bonuses and the supplemental TANF payment.

Section 1000.13, page 46	We updated guidance at Item 7.a., to state, “during the FEP participation, the individual would be limited to one FEP employer placement during the VIEW participation period”. Moved Item 7.c., to page 46 from page 47.
Section 1000.13, page 47	Item 7.f, was added to clarify FEP guidance to assignments for TANF-UP cases.
Secton 1000.13, page 47a	Added page 47a and Item 8 was moved to this page due to the overflow of the updated FEP guidance.

Questions about this transmittal should be directed to regional program consultants or Mark Golden, TANF Program Manager, at (804) 726-7385, or mark.golden@dss.virginia.gov.

Toni Blue Washington, Director

circumstances. A determination must be made that there has been a deliberate misrepresentation on the part of the applicant/recipient. Consideration should be given to: (1) whether the incorrect or unreported information was, in fact, known to the applicant/recipient and (2) whether the applicant/recipient understood the eligibility and reporting requirements.

- A. The local agency is required to proceed against any individual alleged to have committed an intentional program violation by referring the matter to the appropriate authorities for criminal action in a federal or state court or through an administrative disqualification hearing (ADH).

An individual may be charged with an IPV even if the application was denied. An overpayment does not have to exist for there to be a determination of an IPV. Individuals may be charged with an IPV for VIEW even if supportive or transitional services have not yet been received. For a VIEW IPV the agency is not to terminate future supportive or transitional services if those services are needed to assist the client to maintain employment.

The local agency may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.

- B. The local agency must coordinate its actions with any corresponding actions being taken against the individual under the Supplemental Nutrition and Assistance Program if the factual issues involved arise out of the same or related circumstances.

- C. The forms listed below must be used in the IPV process. The forms and instructions for their use may be accessed from the Local Agency DSS Intranet site (www.localagency.dss.state.va.us/). **(Note: When these forms are sent to the individual, if an authorized representative was granted permission to receive letters regarding action taken on a case, then the authorized representative will also receive the same notices. See 401.4.F.)**

1. Notice of Intentional Program Violation (032-03-0721)
2. Waiver of Administrative Disqualification Hearing (032-03-0722)
3. Referral for Administrative Disqualification Hearing (032-03-0725)
4. Advance Notice of Administrative Disqualification Hearing (032-03-0724)
5. Administrative Disqualification Hearing Decision (032-03-0723)
6. Notice of Disqualification for Intentional Program Violation (032-03-0052)

- D. Cases in which an IPV is alleged will be referred for prosecution in accordance with the agreement established between the local Commonwealth's Attorney or other legal authority and the local agency. This agreement shall include information on how and under what circumstances cases will be accepted for possible prosecution. Additionally, it will contain any other criteria set by the prosecutor for accepting cases for prosecution, such as a minimum for the overpayment which resulted from the IPV. The local agency will refer for prosecution all individuals meeting the criteria established by the Agreement.

Example 1: The parents have shared joint legal and physical custody. The child lives with his mother from Monday through Friday. The child lives with his father on the weekends. The agency verifies the living arrangements. The child lives with the mother more than 51% of the time and would meet the “living with” requirement if his mother applied for assistance for him; he would not meet the “living with” requirement if his father made the application.

Example 2: The agency verifies that the parents have 50/50 joint legal custody and that the child actually spends 50% of the time with each parent in alternating weeks. The child will meet the “living with” requirement with either parent; either the father or mother could receive assistance for him if otherwise eligible.

3. Local Agency Custody: A child living with his parent(s) may be eligible for TANF even though custody is held by the social services agency, if all other eligibility factors for TANF are met. A child living with a relative other than a parent may also be eligible for TANF, even though custody is held by the social services agency, unless the home is an approved foster home. No foster care maintenance payment will be made on behalf of a child in agency custody while he is included in the TANF assistance unit of a parent or non-parent caretaker.

It should be noted that for TANF eligibility purposes, a child can only have one home, as defined above in this section. Therefore, a child in agency custody cannot be considered temporarily absent from the home of the parent or other relative with whom the child was living before coming into care if another parent or relative is currently eligible for TANF based on the presence of the child in his/her home.

The case record must be documented relative to the local agency's finding that the child is living in the home.

A child may not be denied TANF, either initially or subsequently, on the basis that the home is considered "unsuitable" because of conditions existing in the home, unless provision is otherwise made for his adequate care and assistance.* If such conditions appear to exist, referral for protective services must be made.

- A. Minor Parent Residency Requirement ** - A minor parent is an individual under 18 years of age who is the natural parent of the child. A minor parent and the dependent child in her care must reside in the home maintained by her parent or person standing in loco parentis, unless she meets an exception. (*In loco parentis* is defined as standing in place of or taking the role of a parent. For TANF, the *in loco parentis* role may be filled by a relative [see 201.5A], the legal guardian of the minor child, or a person **18** years of age or older who is acting as a parent. By definition, the *in loco parentis* role may not be filled by a person such as a boyfriend or girlfriend whose relationship to the minor parent is other than parental.) Minor applicants must be informed about the residency requirement at the time of application. If the minor cannot make arrangements to live in the home of a parent or person standing in loco parentis within the standard 30 day processing time, and does not meet an exception, then the worker must deny the application.

* 45 CFR 233.90(b)

** Section 63.2-607, Code of Virginia

information required in [201.10 A.1.a.](#) and/or b. is not provided and no penalty is to be imposed. If the applicant/recipient cannot provide the name of the noncustodial parent and at least three pieces of identifying information, she must sign an Attesting to The Lack of Information (ATL) form (032-03-0423). The client will be considered to be not cooperating if she states that she is unable to provide the name and other identifying information for a noncustodial parent but also refuses or fails to sign the ATL. (Note: A separate ATL form must be completed for each noncustodial parent.) When an ATL form is completed, “yes” must be selected from the “Agree to Cooperate” drop-down and “**Cannot Identify Father, Client signed the Attest to the Lack of Information Form**” must be selected from the “ATL/Good Cause” drop-down on the Absent Parent Information Details screen in VaCMS. This coding will **ensure the child is correctly linked to the absent parent on the Absent Parent-Child Link screen in VaCMS and it will ensure** that a referral will not be sent to DCSE.

At the time of each renewal, the eligibility worker is to ask the client to provide information on each noncustodial parent. If the client continues to be unable to provide the name and at least three pieces of identifying information on a noncustodial parent, the eligibility worker will have the client complete a new ATL form for that noncustodial parent.

Note: An applicant/recipient who is the grandparent of the child for whom assistance is requested, is expected to be able to provide the first and last name and at least three additional pieces of identifying information for the noncustodial parent who is her own child. If she fails to do so, she will be subject to noncooperation penalties outlined in guidance at [201.10 B and C](#).

1. Appearing at an office of the local department of social services or the Division of Child Support Enforcement, as requested, to provide:
 - a. verbal or written information, or
 - b. documentary evidence known to, possessed by, or reasonably obtainable by the applicant/recipient about the noncustodial parent.
2. Appearing as a witness at judicial or administrative hearings or proceedings.
3. Appearing for a scheduled appointment to have testing completed to establish paternity.
4. Paying to DCSE any money directly received from the noncustodial parent after approval of the TANF case.
5. Paying for all additional genetic testing after the first five potential fathers have been tested and excluded as the father of the child.

Note: If a problem is identified that interferes with the recipient's ability to cooperate, such as, lack of transportation, hospitalization, etc., the local agency must assist the applicant/recipient, if requested.

NONCOOPERATION PENALTY
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Example 1:

A family of three, the mother and two children, apply for TANF. The mother fails to cooperate, without good cause, and is ineligible to be included on the payment. The family resides in a Group III locality and has no countable income. The children are eligible for benefits and the payment is calculated as follows:

Step (1) Calculate reduction by removing caretaker's needs:

\$559.00	SOA for 3 persons
<u>- 465.00</u>	SOA for 2 persons
\$94.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$559 = \$139.75$$

Step (3) Calculate additional penalty amount:

\$139.75	25% reduction
<u>- 94.00</u>	SOA reduction
\$45.75	Additional penalty amount

Step (4) Net payment calculation:

\$465.00	SOA for 2 persons/ Payment amount
<u>- 45.75</u>	Additional penalty
\$410.25	Net payment
 \$410.00	 Actual Payment Amount

Example 2:

A family residing in a Group II locality has been receiving benefits in the amount of **\$332** for two persons (the mother and one child). The mother is determined not to be cooperating, without good cause, and must be removed from the payment. The calculation of the new payment amount is as follows:

Step (1) Calculate reduction by removing caretaker's needs:

\$366.00	SOA for 2 persons
<u>- 249.00</u>	SOA for 1 person
\$117.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$366 = \$91.50$$

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Example 2: Continued

Step (3) Calculate additional penalty amount:

\$91.50	25% reduction
<u>-117.00</u>	SOA reduction
\$0.00	Additional penalty amount

Step (4) - Net payment calculation:

\$249.00	SOA for 1 person/Payment amount
<u>- 0.00</u>	Additional penalty
\$249.00	Net payment

Example 3:

A family residing in a Group III locality is composed of the mother and her four children. The mother receives \$120 monthly in countable unearned income. TANF benefits are currently **\$652** (\$772 SOA - \$120 income). The mother is determined not to be cooperating, without good cause, and must be removed from the payment.

Step (1) Calculate reduction by removing caretaker's needs:

\$652.00	(\$772.00 SOA for 5 persons - \$120.00 Countable income)
<u>- 528.00</u>	(\$648.00 SOA for 4 persons - \$120.00 Countable income)
\$124.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$652 = \$163.00$$

Step (3) Calculate additional penalty amount:

\$163.00	25% reduction
<u>- 124.00</u>	SOA reduction
\$39.00	Additional penalty amount

Step (4) Net payment calculation:

\$648.00	SOA for 4 persons
<u>- 120.00</u>	Countable income
\$528.00	Payment amount

\$528.00	Payment amount
<u>- 39.00</u>	Additional penalty
\$489.00	Net payment

\$489.00	Actual Payment Amount
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NONCOOPERATION PENALTY
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Example 4:

A family residing in a Group III locality is composed of the mother, father, and their three children. A child by a previous relationship of the mother enters the home. The mother does not cooperate, without good cause, in providing information about the child's father. The child's needs are added to the payment; however, the mother's needs must be removed. Calculation of the revised benefits is as follows:

Step (1) Calculate reduction by removing caretaker's needs:

\$820.00	Maximum payment - SOA for 6 persons exceeds maximum
<u>-772.00</u>	SOA for 5 persons
\$48.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$820 = \$205.00$$

Step (3) Calculate additional penalty amount:

\$205.00	25% reduction
<u>- 48.00</u>	SOA reduction
\$157.00	Additional penalty amount

Step (4) Net payment calculation:

\$772.00	SOA for 5 persons/Payment amount
<u>-157.00</u>	Additional penalty
\$622.00	Net payment
 \$622.00	 Actual Payment Amount

Example 5:

A family consists of the mother and two children. Assistance is being provided only for the children because the mother has failed to apply for or furnish a Social Security number for herself. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. The family resides in a Group III locality and has no countable income. Calculate the revised payment amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother's needs have already been removed from the payment for failure to comply in meeting the SSN requirement.

\$465.00	SOA for 2 persons
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NONCOOPERATION PENALTY
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APPENDIX X, Page 4

Example 5: Continued

Step (2) Calculate 25% reduction:

$$.25 \times \$465 = \$116.25$$

Step (3) Net payment calculation:

\$465.00	SOA for 2 persons/Payment amount
<u>- 116.25</u>	Penalty
\$348.75	Net payment
\$348.00	Actual Payment Amount

If the caretaker provides her SSN while she is still subject to a penalty due to noncooperation with DCSE, the **payment** amount must be recalculated as follows:

Step (1) Calculate reduction by removing caretaker's needs:

\$559.00	SOA for 3 persons
<u>-465.00</u>	SOA for 2 persons
\$94.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$559 = \$139.75$$

Step (3) Calculate additional penalty amount:

\$139.75	25% reduction
<u>- 94.00</u>	Amount of SOA reduction
\$45.75	Additional penalty amount

Step (4) Net payment calculation:

\$465.00	SOA for 2 persons/Payment amount
<u>- 45.75</u>	Additional penalty
\$419.25	Net payment
\$419.00	Actual payment amount

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Example 6:

A mother residing in a Group II locality receives TANF for one child. The mother's needs are not included in the payment since she receives SSI. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised payment amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother is categorically ineligible to receive benefits for herself while receiving SSI.

\$249.00 SOA for 1 person

Step (2) Calculate 25% reduction:

$.25 \times \$249 = \62.25

Step (3) Net payment calculation:

\$249.00	SOA for 1 person/Payment amount
<u>- 62.25</u>	Penalty
\$186.75	Net payment
\$186.00	Actual payment amount

Example 7:

A mother residing in a Group II locality receives TANF for herself and seven children. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised payment amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

\$688.00 Maximum payment - SOA for 8 persons (**\$905**) exceeds maximum
\$688.00 Maximum payment - SOA for 7 persons (**\$810**) exceeds maximum

Because the SOAs are above the maximum payment amount of **\$688**, there is no reduction when the caretaker is removed.

Step (2) Calculate 25% reduction:

$.25 \times \$688 = \172.00

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Example 7: Continued

Step (3) Calculate additional penalty amount:

\$172.00	25% reduction
<u>- 0.00</u>	SOA reduction
\$172.00	Additional penalty amount

Step (4) Net payment calculation:

\$688.00	SOA for 7 persons (\$810) exceeds maximum. Use maximum.
<u>-172.00</u>	Additional penalty
\$516.00	Net payment
 \$516.00	 Actual payment amount

Example 8:

A family of four - a mother, her son, her daughter who is a minor caretaker, and the daughter's baby - apply for TANF. The family resides in a Group II locality and has no countable income. The mother cooperates with DCSE, but her daughter, the minor caretaker, refuses, without good cause, to cooperate in securing support for her child. (Note: The minor caretaker does not claim that the father of the baby is unknown, and so cannot sign the ATL.) She is ineligible to be included on the payment. (See 201.10.C regarding cooperation requirements for a minor caretaker). The mother, son, and the daughter's baby are eligible for benefits and the payment is calculated as follows:

Step (1) Calculate reduction by removing the minor parent's needs:

\$549.00	SOA for 4 persons
<u>-459.00</u>	SOA for 3 persons
\$90.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

$$.25 \times \$549 = \$137.25$$

Step (3) Calculate additional penalty amount:

\$137.25	25% reduction
<u>-90.00</u>	SOA reduction
\$47.25	Additional penalty amount

Step (4) Net payment calculation:

\$459.00	SOA for 3 persons/Payment amount
<u>-47.25</u>	Additional penalty
\$411.75	Net payment
 \$411.00	 Actual payment amount

NONCOOPERATION PENALTY
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Example 9:

A non-parent caretaker in a Group II locality receives TANF for one child. The non-parent caretaker is not in the AU. There is no countable income. The Eligibility Worker is notified of the caretaker's failure, without good cause, to cooperate with DCSE. Calculate the revised payment amount as follows:

Step (1)	\$249.00	SOA for 1 person
Step (2)	Calculate 25% reduction:	
	.25 X \$249 = \$62.25	
Step (3)	Net payment calculation:	
	\$249.00	SOA for 1 person/Payment amount
	- 62.25	Penalty
	\$186.75	Net payment
	\$186.00	Actual payment amount

Example 10:

A non-parent caretaker in a Group II locality receives TANF for one child. The non-parent caretaker is not in the AU. The child receives \$50 monthly in countable unearned income. The Eligibility Worker is notified of the caretaker's failure, without good cause, to cooperate with DCSE. Calculate the revised **payment** amount as follows:

Step (1)	\$249.00	SOA for 1 person
Step (2)	Calculate payment amount:	
	\$249.00	SOA for 1 person
	- 50.00	Countable unearned income
	\$199.00	Payment Amount

Step (3) Calculate 25% reduction:

$$.25 \times \$199.00 = \$49.75$$

Step (4) Net payment calculation:

	\$199.00	Payment amount
	- 49.75	Penalty
	\$149.25	Net payment
	\$149.00	Actual Payment

203.1 Emergency Assistance – Emergency Assistance (EA) may be provided to needy families with children who are eligible for TANF or are receiving TANF (including recipients whose TANF case is currently suspended due to a VIEW sanction), when the family is facing eviction or has experienced a natural disaster or a fire that results in unmet needs for maintaining the household or the home itself, as long as income eligibility is met. Natural disasters may include, but are not limited to, a tornado, hurricane, flood, a public health emergency, or any disaster as declared by the Governor. The EW should note that the applicant does not simply declare an event a disaster.

The worker must explain the Emergency Assistance program to all TANF applicants at the time of application and discuss the appropriateness of EA to the applicant's situation. The application for Emergency Assistance must be made no later than 30 days from the date the disaster or fire occurred. If the applicant has been hospitalized during the 30-day period following the disaster or fire, the application for emergency assistance must be made within 60 days from the date the disaster or fire occurred.

Guidance in Section 401.1 regarding the time standard for processing applications also applies to EA. However, EA must be approved as soon as administratively possible, but no later than five working days after receipt of the final verification that substantiates eligibility. Note: Current TANF recipients that request EA are not required to provide additional verifications unless a change is reported during the verification process.

For Emergency Assistance applications, the Do You Have a Disability? must be completed for **applicants who are not currently a TANF recipient or are not requesting TANF**. The case record must contain the Rights and Responsibilities form or be otherwise documented to show that the applicant was provided with oral and written information about his rights and responsibilities and that he acknowledged receipt of the information. The Notice of Personal Responsibility for the TANF Program (032-03-0750), the Notice of Cooperation and Good Cause (032-03-0036), and the Notice of Intentional Program Violations and Penalties (032-03-0646) forms are not required for an emergency assistance application.

Conditions of Eligibility/Categorical Eligibility:

When the family has experienced a natural disaster, fire or is facing eviction the timeframes listed above, and all of the following conditions exist, EA must be granted immediately:

- A. The family includes at least one child who is under eighteen years or if 18, but not yet 19, is enrolled and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board (201.2)
- B. The child is a resident of Virginia, as defined in Section 201.6.
- C. The child, and all members of his family for whom assistance is provided must be a citizen of the United States or, if an alien, meet requirements, specified in Section 201.7. A child may be eligible for or receive TANF or Emergency Assistance even when other members of the family are ineligible.
- D. The child is living with a relative in a place of residence maintained by the relative as his own home. (See Section 201.5 B.)

- E. The emergency assistance is necessary (1) to avoid destitution of the child or (2) provide living arrangements for him in a home (203.2).
- F. Receipt of emergency assistance will not count toward either the 24 or 60-month limit on the receipt of TANF. However, an assistance unit that is in a POI for TANF due to either the 24 or 60-month limit on the receipt of TANF will also be ineligible for emergency assistance. In addition, an AU that is in a TANF POI for the receipt of diversionary assistance will also be ineligible for emergency assistance.
- G. For current TANF recipients, needs can be met through EA **without consideration of the regular TANF payment.**
- H. **An EA payment may not be issued to replace money lost by the recipient or for the loss of earnings.**
- I. **At no time can an applicant be approved for Diversionary Assistance and Emergency Assistance at the same time.**

203.2 EMERGENCY ASSISTANCE FOR DISASTER, FIRE, OR EVICTION PREVENTION

- A. **NEEDS COVERED** - Emergency Assistance shall be used to cover an applicant's immediate needs resulting from a disaster or fire or to assist with eviction prevention. The case record must include documentation that the disaster or fire occurred and the date of the event. **For disasters or fires**, the immediate needs which can be covered include items such as food, shelter items, clothing, repair or replacement of household equipment which has been destroyed or rendered unusable and moving or storage of household equipment.

An applicant who has received a Summons for Unlawful Detainer may apply for Emergency Assistance to prevent eviction. To be eligible for eviction prevention under TANF's Emergency Assistance program, the applicant must have the following:

- Valid lease agreement with the landlords/owner
- Summons for Unlawful Detainer, with a court date, to verify the imminent danger of losing housing

Eviction is the legal process of removing a tenant from a rental property. Steps to the eviction process are:

- Step (1) Give Notice - Five-Day Notice To Pay Rent Or Quit/Vacate Property - This notice is used whenever the tenant fails to pay rent by its due date.

Thirty-Day Notice To Fix Or Quit/Vacate Property - This notice is used whenever some minor terms of the lease are violated.

No Notice - If a tenant commits a crime or is putting the health and safety of anyone at risk by being at the property, they can be evicted without notice.

- Step (2) Summons for Unlawful Detainer

A Summons for Unlawful Detainer is a legal way for a landlord to evict a tenant if the tenant does not pay the overdue rent or correct the issue. It requires a special court process and can move quickly through the court system.

Step (3) Trial Time

The judge will review the arguments of both parties. If the judge rules in favor of the landlord, the tenant will have just 10 days to appeal before the decision will become final.

Step (4) Writ of Possession

This legal document, once issued, will be sent to the Sheriff. Within 30 days, the Sheriff will go to the property to execute the physical eviction of the tenant.

Step (5) Possession Removal

There are two ways a landlord/owner can handle the removal of a tenant's property:

- 24-Hour Notice – This policy lets the tenant know that any property left behind after they leave the premises will be considered abandoned after 24 hours.
- 10-Day Notice – If the landlord fails to include any type of statement with the original eviction notice, the landlord is required to wait 10 days before removing the tenant's belongings and the landlord must send the tenant a 10-day notice letting them know that anything they do not claim will be removed.

The total amount granted to a family under the EA Program shall not exceed \$1,500 during any one period of thirty (30) consecutive days in any twelve (12) consecutive months. If Emergency Assistance is approved, the VaCMS will apply a Period of Ineligibility (POI) of 365 calendar days to the applicant only beginning 30 days after the first EA issuance is made.

Example: EA application was approved on 3/29/2021, the first EA payment was issued on 3/29/2021. The POI will begin on 4/28/2021.

To determine eligibility for Emergency Assistance, the case will be screened at the maximum income screening of the Standard of Assistance if the applicant is not currently a TANF recipient. (If the applicant is currently receiving TANF assistance, the screening is not necessary.) The EW will evaluate the "Countable Net Income" that is listed on the TANF Group – Income Eligibility screen in the VaCMS that is available to the AU to determine if the income will meet all of the AU's needs. If the available income will not meet all of the AU's needs, EA may be granted to meet the unmet needs, up to the \$1,500 EA maximum. **When determining countable net income, the EW must refer to guidance at 305.2, page 12. The countable net income is all income, both earned and unearned, which is available or expected to be available to members of the assistance unit, except for that portion specifically disregarded. Refer to Section 305, Appendix 3, pages 1-2, for determining net countable income calculation for TANF.**

Note: The TANF payment is not counted in the EA eligibility determination.

Example 1: A case passes the maximum income screening and is otherwise eligible. The net countable income is \$0. The client is seeking \$1,500 to cover the emergency. In this case, EA will be issued for \$1,500.

Example 2: A case passed the maximum income screening and is otherwise eligible. The client has \$300 net countable income available. The client claims \$500 in unmet expenses. EA will be issued for \$200.

Note: Even if a client spent money that is included in their net countable income at the time of application, the income is counted for purposes of determining eligibility.

Example 3: A case passed the maximum income screening and is otherwise eligible. The client has \$1,500 in unmet expenses. The client has \$320 net countable income. The client requested assistance from the Salvation Army, and they issued him a \$300 VISA gift card. EA will be issued for \$880 (\$1,500 unmet expenses, minus \$320 net countable income, minus \$300 VISA gift card equals \$880).

Example 4: A case passed the maximum income screening and is otherwise eligible. The client has \$1,000 in unmet expenses. The client works part-time and has \$475 net countable income. The client states that she spent \$400 of her earnings. EA will be issued for \$525 (\$1,000 unmet need, minus \$475 net countable income equals \$525). Although the client spent some of her net countable income for the month, the EW is required to count the entire net countable income that was available to the client for the month.

Example 5: A VIEW participant experiences a fire in which his family loses their clothing and household furnishings. The client has \$1,400 in unmet needs. The Salvation Army issued him a clothing voucher for \$500. The client works part-time and his monthly net countable income is \$540. EA will be issued for \$360 (\$1,400 unmet need, minus \$500 voucher, minus \$540 net countable income equals \$360).

Example 6: A case passes the maximum income screening and is otherwise eligible. The client lost his job, has a summons for unlawful detainer, and is seeking \$932 to prevent eviction. The client also declares he needs \$327 to pay his car payment and \$181 to pay his car insurance. The worker explains Diversionary Assistance (DA) and Emergency Assistance to the client. DA will resolve the crisis and will be more beneficial for the client as it prevents the eviction and covers the additional expenses. The client applies for diversionary assistance.

Note: The approval of the eviction prevention payment cannot be used to cover items such as food, shelter items, clothing, insurance, etc.

B. AVAILABLE RESOURCES - Emergency Assistance cannot be granted when other resources are available to meet the family's needs. EA cannot be granted when there is another agency in the community, or other immediate resources which are known to meet the particular need promptly in that particular type of emergency. If other resources are available but are insufficient to meet the particular immediate needs, EA may be granted. Evidence must be entered in the case record that specific community resources have been investigated. **TANF does not evaluate liquid resources. The cash on hand field in the VaCMS is not required to be completed.**

Example: On May 2nd, a TANF household experiences an emergency as a result of a fire. The household sought emergency housing and other necessary items. An application was submitted for the emergency assistance program. The household emergency needs total \$1,700, and \$200 was provided by a community resource. EA of \$1,500 was granted to supplement the community resource.

The net countable income immediately available to the family, at the time of application, cannot exceed the maximum income limit and must be evaluated in determining the amount of assistance granted. If the client is ineligible in the month of application due to excess income, but meets the income requirement in the month following the month of application, EA can be approved, as long as all other eligibility criteria are met and the applicant has remaining unmet needs. The provisions of Section 305 are generally applicable except that income disregards are not applicable.

Note: Anticipated wages must be evaluated even though they may not be available to meet the emergency need.

Example 1: Applicant applies for EA on 07/20/2020 because the family experienced a fire. The household is over income for the month of July, but will have no income in the month of August. She states her July paychecks were used to pay for normal household expenses, and that she will not have money to purchase clothing and furniture items as needed. Since the applicant has remaining unmet needs, EA must be approved based on August's income as long as all other eligibility criteria are met.

Example 2: Applicant applies for EA on 08/20/2020 because the family experienced a fire. The household is over income for the month of August, but meets the income requirements for September. She states her August paychecks were used to pay for normal household expenses. In August, she will only receive one check in the amount of \$300. She will not have money to purchase clothing and furniture items as needed. She declares remaining unmet needs of \$1,500. Since the applicant has remaining unmet needs, EA must be approved for \$1,200, based on September's income, as long as all other eligibility criteria are met.

- C. METHOD OF PAYMENT - Supervisory approval is required for all emergency assistance payments. Payment for purchase, repair, moving or storage of household equipment must be made by the vendor method to the provider of goods or services.

Payment to meet other needs may be either a money payment to the recipient or a vendor payment to the provider, whichever is most practicable and advantageous to the family.

If EA is approved for a client that has an ongoing TANF case, EA payments can be issued using the same method of issuance in which the client receives the TANF payment. If the client does not have an ongoing TANF case, the method of issuance must be made in the form of a check.

203.3 VENDOR PAYMENTS – Emergency assistance payments are to be made in the form of vendor payments whenever possible in order to ensure that the specific emergency or crisis situation is resolved. These payments are issued as TANF supplemental checks to be sent directly to the vendor and are entered in VaCMS on the TANF Diversionary/Emergency Assistance Details screen. The name on the account, if different from the case name, must be entered in the "Address Line/PO Box" field and the Account Number must be entered in the "Account Number as on the bill" field so the payment can be correctly credited by the vendor. The client should be instructed to contact the vendor when emergency assistance has been approved and advise the vendor to expect the check from the Virginia Department of Social Services.

Note: If the worker cannot issue a vendor payment due to systems limitations, or if a vendor payment is not appropriate based on the circumstances of the case, a payment may be made directly to the recipient. The recipient should be advised that she is expected to use the payment to pay the vendor.

Prior to beginning the process to reissue a check when a vendor reports non-receipt of an emergency assistance check, the worker should review the Finance Status on the Check/Direct Deposit Action screen in VaCMS. If the check does not appear on the list, the worker should contact the Fiscal Processing Unit at Home Office to confirm that the check has not already been cashed.

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304.5 RELATIVE MAINTENANCE SUPPORT PAYMENT – The 2020 General Assembly appropriated funds to create the Relative Maintenance Support Payment.* TANF assistance units that include one or more eligible children, and whose TANF benefit is \$10 or more, will be entitled to a Relative Maintenance Support Payment when a relative caretaker assumed care of the child(ren) on or after July 1, 2020, to prevent the child(ren) from entering Foster Care, as verified by a LDSS Family Services worker. TANF assistance units that include a parent are not eligible.

The Relative Maintenance Support Payment is a monthly payment that is included in the TANF payment, and will be paid to eligible assistance units in the amount of \$200 for each eligible child in the qualifying TANF assistance unit that was diverted from Foster Care. This includes TANF assistance units that include a needy relative caretaker. If the child does not meet TANF eligibility requirements, the relative caretaker will not be eligible to receive the Relative Support Maintenance payment. The Relative Support Maintenance payment does not apply to Diversionary Assistance, Emergency Assistance or VTP.

When a TANF application is received for a non-parent caretaker, a separate TANF case should be established. All children not belonging to the payee shall be placed in a separate case.

The Family Services Specialists will be responsible for identifying the child(ren) that has been diverted from Foster Care. The Family Services Specialists will complete the Relative Maintenance Verification Form and provide the relative caretaker with a copy to verify that the child(ren) is living in the relative caretaker's home to avoid placement into Foster Care. If applying for TANF assistance at a Local Department of Social Services, the relative caretaker must provide the Relative Maintenance Verification Form to the Benefits Programs Worker to qualify for the additional \$200 monthly payment. The Relative Maintenance Verification Form includes the caretaker(s), child(ren) and referring agency's information, in addition to the date the child began living in the home of the relative caretaker. The receiving locality is responsible for uploading the Relative Maintenance Verification Form into the Document Management Information System (DMIS).

Example 1: Ms. Perry assumed care of her grandchild Terri Lee on **07/02/2021**, to prevent her from being placed in Foster Care. On **07/05/2021**, Ms. Perry applied for TANF assistance for her grandchild Terri. On **07/20/2021**, Ms. Perry provided all the requested verifications, to include the Relative Maintenance Verification Form that was provided by her Family Services Specialist, which verified Terri was placed with her on **07/02/2021**. On **07/23/2021**, the TANF application was approved, as all eligibility requirements were met. Ms. Perry received the **\$249** standard of assistance for one in a Group II locality. In addition, Ms. Perry received the additional \$200 monthly Relative Maintenance Support Payment. Ms. Perry will receive a total of **\$449** on a monthly basis.

Unlike TANF, Relative Maintenance Support Payments are not prorated based on the date of the TANF application. If a relative caretaker applies for TANF any date after the first of the month, as long as all eligibility criteria are met, the assistance unit will receive the entire \$200 payment per eligible child, for that month.

Example 2: On 10/15/2020, Ms. Tee assumed care of her niece Lala to prevent her from being placed in Foster Care. On 10/15/2020, the Family Services Specialist completed the Relative Maintenance Verification form for Ms. Tee. On 10/16/2020, Ms. Tee applied for TANF assistance for her niece Lala. On 10/23/2020, Ms. Tee submitted all the requested verifications to the local agency, to include a copy of the Relative Maintenance Verification Form that was provided by her Family Services Specialist. On 10/26/2020, the Benefits Programs Worker approved the TANF application. Although the initial TANF payment was prorated from the 10/16/2020 application date, Ms. Tee received the entire additional \$200 Relative Maintenance Support Payment for Lala for the month of October.

*Appropriations Act of 2020

Example 3: Mr. Jones assumed care of his nephew Anthony Jones to prevent him from being placed in Foster Care, as verified by Family Services. Anthony receives a monthly SSI payment. Although Mr. Jones assumed care of Anthony to prevent him from being placed in Foster Care, Anthony is ineligible for TANF due to the receipt of SSI. Therefore, Mr. Jones is not eligible for the additional \$200 Relative Maintenance Support Payment. However, if Mr. Jones requests assistance for himself as a needy relative caretaker, he could receive a TANF payment if all other eligibility criteria are met.

Example 4: Ms. Martin applies for TANF for her niece Shelly and nephew John. Ms. Martin has an existing TANF case for herself and her two children Aiden and Ava. A separate TANF case shall be established for Shelly and John.

Example 5: Ms. Brown applies for TANF for her granddaughter Robin. Ms. Brown has an active SNAP and Medicaid case for herself and her son Larry. The non-parent caretaker TANF application shall not be added to Ms. Brown's existing case number. A new and separate case number shall be established for the TANF application.

In order to ensure the Relative Maintenance Payment is generated correctly, at no time should the non-parent caretaker and her child(ren) be included on the payee TANF case.

Payment information about the Relative Maintenance Support Payment will be provided to the customer in the TANF Notice of Action at initial application, reapplication, in conjunction with changes, and at renewal.

304.6 REACHING INDEPENDENCE THROUGH SAVINGS AND EDUCATION (RISE) – The 2021 General Assembly appropriated funds for the implementation of an individual development account (IDA)* program. RISE is an IDA administered by the Virginia Department of Social Services (VDSS) designed to support TANF eligible individuals for the purposes of home ownership, transportation acquisition, education, small business ownership, or to achieve self-sufficiency.

To be eligible to participate in the RISE program, the TANF recipient must be employed, part-time, full-time or self-employed, and must complete financial and asset specific trainings. Additionally, the participant shall work with an intermediary who will review program requirements, work with the participant in establishing a savings goal, and assist in establishing and monitoring the RISE account. Once the participant meets their savings goal, TANF funds will be deposited in the RISE account. TANF will provide \$8 for every \$1 saved by the participant to purchase a qualified asset (i.e., home ownership, transportation, education, small business ownership, or self-sufficiency).

ASSISTANCE STANDARDS

GROUP II

Size of Assistance Unit	Standards of Assistance
1	\$249
2	366
3	459
4	549
5	648
6	724
7	810
8	905
9	985
10	1073
Each person above 10	\$90
MAXIMUM REIMBURSABLE PAYMENT	\$688

ASSISTANCE STANDARDS

GROUP III

Size of Assistance Unit	Standards of Assistance
1	\$348
2	465
3	559
4	648
5	772
6	844
7	932
8	1027
9	1108
10	1194
Each person above 10	\$90
MAXIMUM REIMBURSABLE PAYMENT	\$820

305.3 EARNED INCOME – Earned income is defined as income earned by an individual through the receipt of wages, salary, and/or commissions, or through profit from activities in which he is engaged as a self-employed individual.* Earned income includes pay for jury duty, severance pay, and vacation pay. Sick/disability pay from the employer or from employer obtained insurance is counted as earned income as long as the payment is made directly from the employer to the employee. If the payment is made from the insurance company to the employee, the income is counted as unearned income.

Note: income received from a supplemental sickness or disability insurance policy that was obtained solely by the employee (and payments are issued directly from the insurance company to the employee) will be counted as unearned income.

Self-employment is defined as a business, farming or commercial enterprise in which the individual receives income earned by his own efforts, including his active engagement in management of property. Income from property when the individual is not actively engaged or when no managerial responsibilities are involved is not considered earned income.** In addition, for TANF purposes, self-employment situations include, but are not limited to, domestic workers, companion service providers, and child care providers.

Example: Income from DoorDash, Uber, Instacart and other similar roles are considered self-employment income and must be treated as such for purposes of determining eligibility for TANF. Individuals providing services under such company names receive 1099s and have to account for their own taxes, determine their own hours and are responsible for their business related expenses such as gas, vehicle maintenance and etc. that would be considered self-employment expenses.

Contract earnings are defined as wages guaranteed by a contract. This does not include work on an hourly or piecework basis or self-employment. A guaranteed wage is one which is received by an individual employed on a contractual basis and paid over a period of time. Earnings of this nature will be prorated according to [305.1.B.2.a.4](#).

When income is received from property, the eligibility case record must clearly indicate the basis for determining whether or not the individual produces it by his own efforts or whether or not he is actively engaged in management.

There are differences in the provisions for counting U.S. Census Bureau income paid to census workers depending on the source of the income. Income paid directly to the employee by the U.S. Census Bureau is not countable. Earnings received from temporary employment agencies or third party entities are countable.

A. Definitions of Gross Earnings and Profit

1. Gross earned income from wages, salary or commissions means the total amount of pay, irrespective of deductions, withholding or work expenses.*** It is not the "take home" pay. Exception: Money advanced from an employer prior to the regular pay date must be counted as part of the gross income in the month of receipt. Any amount withheld to repay an advance in salary received prior to that month shall be deducted from gross earnings or profit for the month in which it is withheld.
2. Gross earned income of child care providers means the income of a TANF recipient who provides child care in her home minus an allowance for the cost of meals and snacks that are provided. The allowance is not given for children included in the child care provider's TANF AU or for children excluded from her AU. The allowance is the same as those in the Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamp Program Manual, at [Part XII.A.7](#), under Allowable Costs of Producing Income for Child Care Providers.

* 45 CFR 233.20 (a)(6)(iii)

** 45 CFR 233.20(a)(6)(vii)

*** 45 CFR 233.20(a)(6)(iv)

13. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420); and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171).
14. Funds paid to an escrow account established under the Family Self- Sufficiency Program of the Department of Housing and Urban Development.
15. Student financial assistance received under Bureau of Indian Affairs student assistance programs.*
16. Interest earned or appreciation in value on a savings or investment account for the purpose of self-sufficiency.
17. Up to \$2,000 per year of income received by individual Indians, which are derived from leases or other uses of individually-owned trust or restricted lands.**
18. All bona fide loans, regardless of the intended use.* This includes loans obtained for any purpose, and may be from a private individual as well as from a commercial institution. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. If the customer indicates that money received was a loan but does not provide required verification, the money is to be treated as unearned income in the month received. Interest earned on the proceeds of a loan while held in a savings account, checking account, or other financial instrument will be counted as unearned income in the month received.
19. Income, including support, received by or on behalf of a child ineligible for TANF due to the family cap provision.***
20. Payments received by victims of Nazi persecution under Public Law 103-286.
21. Matching contributions deposited in an individual development account (IDA) or on the applicant/recipient's behalf in a parallel account maintained by the organization administering the IDA program.
22. **Matching contributions deposited in the RISE (Reaching Independence through Savings and Education) account.**
23. Income received by children who are in a VIEW period of ineligibility.
24. Interest income of less than an average of \$10 per month.

* Public Law 102-325

** Public Law 93-134

***Code of Virginia, Section 63.2-604

stepparent has. Countable income is to be deducted from the standard of assistance for the assistance unit.

- b. Stepparent Deeming Procedure Used When the Parent in the Home Refuses/Fails to Cooperate With DCSE - When it is determined that the parent of the TANF child(ren) has failed or refused to cooperate with DCSE, the stepparent's income must be deemed available to the assistance unit, calculating the deemed amount in accordance with 305.4.F.1.a.1) – 4). The deemed income, in addition to the income of the parent and child(ren) must be counted to determine the assistance unit's eligibility and payment amount.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

- c. Stepparent Deeming When the Parent Is Not in the Home With the Stepparent - The income of the stepparent will not be deemed when the natural/adoptive parent of the TANF children is not living in the home due to separation, divorce, death or incarceration. However, when the stepparent and the natural/adoptive parent are living apart due to military duty, employment, or other reason, and they both consider themselves to be living as husband and wife, they will not be considered separated and the income of the stepparent will be deemed.

If the stepparent is included in a TANF assistance unit, policies and procedures applicable to assistance unit members apply instead of the deeming procedures.

Note: A lump sum payment received by an eligible child's stepparent is considered available to the assistance unit as described at 305.4C.

Example 1:

Ms. P. is applying for TANF for herself and her 3 children. Ms. P. receives unearned income in the amount of \$50 per month, and each of the 3 children receives unearned income in the amount of \$50 per month, as well. Ms. P.'s husband (not the children's father) is employed and earns \$2,162 per month. Mr. P. has no other dependents.

1. To determine Ms. P.'s eligibility to be included in the AU:

Mr. P.'s income	\$2,162.00
Less \$90 deeming disregard	- 90.00
	\$2,072.00
Less standard of assistance for 1 (Group II)	- 249.00
Amount deemed available to Ms. P.	\$1,913.00
Standard of assistance for a 4-person AU	\$ 549.00

Since the portion of Mr. P.'s income which is deemed available to Ms. P. exceeds the standard of assistance for 4 persons, she is not eligible to be included in the AU.

2. To determine the 3 children's eligibility, and, if eligible, the payment amount:

Stepparent's (Mr. P.'s) income	\$2,162.00
150% of poverty guidelines for 2 (monthly)	<u>-2,155.00</u>
Amount exceeding 150% of poverty guideline	\$7.00
 Standard of assistance for a 3-person AU	 \$ 459.00
 Less total countable income (\$7.00-amount of Mr. P.'s income which exceeds 150% of poverty guidelines, plus \$50.-Ms. P.'s unearned income, plus \$150 the children's unearned income for a total of \$207 in countable income.	 <u>- 207.00</u>
Payment amount	\$252.00

Example 2:

Ms. J., who has been receiving TANF on behalf of herself and her 2 children reports that she remarried over the weekend. Ms. J. receives unearned income in the amount of \$100 per month. Her husband, Mr. J. is employed, with earnings in the amount of \$800 per month. Mr. J. has 3 children who live with his former wife, for whom he pays support in the amount of \$400 per month.

1. To determine Ms. J.'s eligibility to be included in the AU:

Mr. J.'s income	\$ 800.00
Less \$90 deeming disregard	<u>- 90.00</u>
	710.00
 Less standard of assistance for I (Group II)	 <u>- 249.00</u>
	\$ 461.00
Less support paid by Mr. J. to non-household dependents	<u>- 400.00</u>
Income deemed available to Ms. J.	\$ 61.00
 Standard of assistance for a 3-person AU	 \$459.00

Since the portion of Mr. J.'s income which is deemed available to Ms. J. is less than the standard of assistance for 3 persons, she is eligible to be included in the AU. Proceed to payment calculation, since Ms. J. is eligible.

2. To determine the payment amount:

Standard of assistance for a 3-person AU	\$ 459.00
Less countable income (Ms. J.'s unearned income)	<u>- 100.00</u>
Payment amount	\$ 359.00

Example 3:

Ms. L. is applying for TANF for herself and her 2 children. Her husband (not the children's father), Mr. L., is employed and earns \$2,199 per month. Mr. L. has 1 child, who lives in the household also.

1. To determine Ms. L.'s eligibility to be included in the AU:

Mr. L.'s income	\$2,199.00
Less \$90 deeming disregard	<u>- 90.00</u>
	\$2,109.00
Less standard of assistance for 2 (Group II) to include Mr. L. and his child	<u>- 366.00</u>
Income deemed available to Ms. L.	\$1,743.00
Standard of assistance for a 3-person AU	\$ 459.00

Since the portion of Mr. L.'s income which is deemed available to Ms. L. exceeds the standard of assistance for 3 persons, she is ineligible to be included in the AU.

2. To determine the 2 children's eligibility, and if eligible, the payment amount:

Stepparent's (Mr. L.'s) income	\$ 2,199.00
150% of poverty guidelines for 2 (monthly)	<u>- 2,155.00</u>
Amount exceeding 150% of poverty guidelines	\$ 44.00
Standard of assistance for 2-person AU	\$ 366.00
Less total countable income (\$44.00 -amount of Mr. L.'s income which exceeds 150% of poverty guidelines)	<u>- 44.00</u>
Payment amount	\$ 322.00

The two children are eligible for TANF. Though Mr. L.'s gross income exceeds 150% of poverty guidelines, his countable income does not exceed the standard of assistance for an AU of 2.

2. Deeming Income in Minor Caretaker and Ineligible Alien Cases* - Income must also be deemed to an assistance unit in the following situations. Applicable policies and procedures are explained below.
 - a. Minor Caretaker Living with Senior Parent(s) - When living together, the income of a senior parent(s) is to be deemed available to the minor caretaker's assistance unit." The senior parent's income must be considered available to the eligible child(ren) by applying the deeming procedure in Section 305.4.F.2.c. below. A stepparent's income is not deemed available to a minor caretaker's assistance unit.

Verify by statement from the senior parent, stepparent, or ineligible alien parent.

4. Payments for alimony and child support including wage assignments to individuals not claimed on the senior parent's, stepparent's, or ineligible alien parent's federal income tax return and not living in the household.

Verify by statement from the senior parent or the ineligible alien parent.

The amount remaining after the above deductions will be compared to the Standard of Assistance in determining the eligibility of the AU and the payment amount, if any.

Example 1: The parent of a minor caretaker applies for assistance for the minor caretaker's child. The senior parent explains that she is employed, is able to support her daughter, but does not feel that she should have to support her daughter's child. Because the child of a minor caretaker is not eligible for assistance unless the minor caretaker is also included in the AU, the senior parent must make application for both her daughter and the grandchild. TANF eligibility is determined as follows:

Gross Income of Senior Parent	\$ 1,760
Less \$90 Deeming Disregard	<u>- 90</u>
	\$ 1,670
Less Standard of Assistance for 1 person, Group III	<u>-348</u>
Group III Amount deemed available to AU	\$1,322
Standard of Assistance for 2, Group III	\$465

\$1,322 > \$465 (SOA for 2) – AU is ineligible

- a. Home Energy Assistance - Payments made directly to a household for home heating or cooling provided by suppliers of home energy, such as electric and gas companies and fuel oil dealers, must be counted as income.* When payments are received jointly by a household composed of TANF and non-TANF individuals, including SSI recipients, the TANF assistance unit's pro rata share, based on the total number of persons in the household, must be considered as income to the TANF unit.

The pro rata share of non-TANF and SSI individuals is not to be counted.** Note: Payments made through the Virginia Energy Assistance Program administered by local departments of social services are not considered home energy assistance and are disregarded per Section 305.4.A.16.

- b. Public Assistance Benefits Received From Another State - It is possible for individuals who move from another state to Virginia to receive assistance from both states in the same month. However, the assistance paid by the state of prior residence must be considered in determining eligibility and benefit amount in Virginia. The amount of assistance received by the assistance unit from the former state is to be treated as unearned income in the month received.

Example 1: An applicant applies in Virginia on August 30 and receives a payment from Pennsylvania for \$100 in September which covers the period of the last week of August and the first week of September. If the assistance unit is eligible for assistance in September and the SOA is \$459, the \$100 of unearned income is subtracted from \$459, for a payment of \$359.

Example 2: A Group II locality receives an application on September 2 requesting assistance for a parent and two children. The family received a TANF payment from another state on September 1 for \$100 covering the period September 1-15, and the case is terminated in the former state effective September 15. The agency determines eligibility on September 10 (date of authorization). The first payment is calculated as follows:

$$\begin{array}{rcl}
 \$459 - \$100 & = & \$359 \quad \text{- monthly deficit} \\
 \$359/30 & = & \$11.96 \quad \text{- daily rate} \\
 \$11.96 \times 21 \text{ days} & = & \$251.16 \quad \text{-prorated deficit} \\
 & & \$251 \text{ payment (rounded down)}
 \end{array}$$

- c. Royalties are considered unearned income.
- d. Interest earned on cash assets in excess of \$10 a month, such as a bank account or certificate of deposit, is considered unearned income in the month received (available) unless anticipated to be received less often i.e., quarterly, annually, etc., in which case it may be prorated over the period earned if requested by the applicant/recipient. Guidance in Section 305.1. B.2 is applicable in determining if the income is "reasonably certain" to be received and, if so, the methods available to use to calculate the anticipated amount. Exception: Interest accrued on exempted Virginia Individual Development Accounts (VIDA) or Assets for Independence Act (AFIA) funds is not countable income.

* 45 CFR 233.20(a)(3)(xiv)

** 45 CFR 233.53(c)(2)

Maximum Income Chart

<u>Size of Assistance Unit</u>	<u>Group II</u>	<u>Group III</u>
1	\$499	\$695
2	730	927
3	920	1,119
4	1094	1,296
5	1,296	1,544
6	1,449	1,688
7	1,621	1,866
8	1,810	2,055
9	1,969	2,215
10	2,145	2,389
Each person above 10	\$180	\$180

If the applicant wishes to change any of the information he has provided or any information as it appears on the application, the EW must make the change in the VaCMS system.

- E. Time Standard for Processing Application – The local agency must complete the initial application process by the 30th calendar day following the application filing date. This time standard covers the day following the date of receipt of the signed application to the date the assistance payment is issued or the notification of denial of assistance is mailed to the applicant, **and/or an authorized representative, if applicable.** (The applicant must be informed of the time standard at the time of application.) If an eligibility determination can be made because all required information has been received, a prompt decision must be made. Otherwise, the application must remain pending until the 30th calendar day following the application date unless the date falls on a weekend or holiday. When the 30th calendar day following the application date falls on a weekend or holiday, the EW must complete the application process by the last working day prior to the 30th day.

For applicants who miss scheduled appointments and do not request a second appointment, the agency must not deny the application until the 30th calendar day following the application date unless the date falls on a weekend or holiday.

Example: TANF application received March 15. The agency scheduled an interview for March 18. The applicant failed to appear. On March 18, the worker indicated in the VaCMS that the applicant missed the interview. The applicant did not request another interview. During the nightly batch process on April 14, the 30th day after the application date, the VaCMS will automatically deny the application.

For applicants who fail to appear for the initial interview, but request to have an interview prior to the 30th calendar day following the application date, an interview must be scheduled and the applicant must appear.

Example 1: TANF application received January 2. The agency scheduled an interview for January 6. The applicant failed to appear. On January 6, the worker indicated in the VaCMS that the applicant missed the interview and set a task and reminder to deny the TANF application on the 30th calendar day following the application date. On January 23, the applicant called and requested to reschedule the interview. Since the applicant called prior to the 30th calendar day following the application date, the worker must reschedule the interview. If the interview or due date for required verifications goes beyond the 30th calendar day following the application date, then the delay is client caused.

Example 2: TANF application received January 31. An interview was scheduled and held on February 3. The worker entered the “Interview Held Date” on the *Interview Details* screen in the VaCMS and requested verifications by February 13. The applicant failed to provide the required verifications by the due date. The worker must not deny the application until Friday, February 28. In this case, the denial will occur prior to the 30th calendar day following the application date, Sunday, March 2, because the 30th calendar day falls on a weekend.

If an applicant has not had a minimum of 10 days after the interview to provide required verifications, the worker must not deny the application on the 30th calendar day after the application date. The agency must allow the additional time.

F. Notices to Authorized Representatives

The VaCMS system will send notices to an authorized representatives. When sending notices to authorized representatives, the same notice that is sent to the case name will be sent to the authorized representative and in the same language as correspondences are sent to the case name. If a complete address for the authorized representative is not present, then the Eligibility Worker will have to select the case name address.

For the TANF program, when "Receive Request for Information Needed" is selected on the Authorized Representative screen in the VaCMS, only the "DSS-810 Checklist of Needed Verifications" and the "DSS-710 Pending Verification Notice" (if applicable) shall be sent to the authorized representative. When marked as allowed to "Receive letters regarding actions taken on your case" or "Receive request for information needed" for TANF, then the following notices will be sent to the authorized representative:

- **DSS-786 VIEW Sanction Reminder Notice**
- **DSS-782 VIEW Notice of Hardship Exception**
- **DSS-810 Checklist of Needed Verifications**
- **DSS-757 Advanced Notice of Administrative Disqualification Hearing**
- **DSS-753 Administrative Disqualification Hearing Decision**
- **DSS-790 Appeal Summary TANF/LIHEAP**
- **DSS-785 View Notice of Sanction/Termination**
- **DSS-787 View Transitional Payment Notice**
- **DSS-764 TANF 24 Month Advance Notice**
- **DSS-762 Request for Repayment of TANF Benefits**
- **DSS-732 Notice of Eligibility - TANF**
- **DSS-737 Notice of Eligibility - TANF Claim**
- **DSS-706 Notice of Disqualification for Intentional Program Violation**
- **DSS-707 Waiver of Administrative Disqualification Hearing**
- **DSS-708 Referral for Administrative Disqualification Hearing**
- **DSS-709 Notice of Intentional Program Violation**
- **DSS-808 TANF Renewal Notification**
- **DSS-735 Notice of Eligibility - TANF DA**
- **DSS-710 Pending Verification Notice**
- **DSS-848 Notice of Eligibility - Cancel TANF DA**
- **DSS-847 Notice of Eligibility - TANF DA**

The National Voter Registration Act of 1993 (NVRA) requires local social services agencies to offer each customer of TANF, SNAP and Medicaid an opportunity to apply to register to vote. TANF applicants will be offered this opportunity at initial application. TANF recipients will be offered this opportunity at renewal. Additionally, voter registration application services must be provided any time a change of address is reported to the local agency in person. If the change of address is not made in person, the Voter Registration Agency Certification (SBE 032-03-945 07/09), and a voter registration form <https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION>, must be mailed to the client's new address. The EW must document the case record indicating the forms have been sent. In complying with the requirements of the NVRA, local agency staff must provide each applicant and recipient the same degree of assistance in completing their voter registration application as they do in completing the application for public assistance. Local staff must be trained annually for the NVRA. The training module is located in the **Virginia Learning Center** at <https://covlc.virginia.gov>.

- I. Prohibitions – Local social services agencies and agency staff are prohibited from the following activities when providing voter registration application services:
 - A. seeking to influence a customer's political preference;
 - B. displaying any political preference or party affiliation;
 - C. making any statement to the customer or taking any action the purpose or effect of which is to discourage the individual from applying to register to vote; or
 - D. making any statement to a customer or taking any action the purpose of which is to lead the individual to believe that a decision to register or not register has any impact on the individual's eligibility for assistance or the benefit level that they may be entitled to receive.

- II. Voter Registration Services – Each local social services agency must provide the following services:
 - A. distribution of voter registration application forms;
 - B. assistance to customers in completing the registration application form, unless such assistance is refused, and ensuring that all spaces on the form are completed;
 - C. insuring that the certification statement on the application for benefits or statement of facts is completed; and

- E. Ensure that a sign or poster is posted in a visible location in the office notifying clients that the office provides voter registration services. Posters are found at **<https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION>**. You may print copies of the posters to display or order posters from the State Board of Elections.

IV. Voter Registration Forms

- A. Voter Registration Application - in Virginia, one voter registration application form will be used to serve a twofold purpose:
 - 1. the voter registration application will be completed by the customer with necessary assistance from local agency staff during the application/review process and left at the local agency for transmittal to the local general registrar; or,
 - 2. for customers who do not wish to complete the voter registration during the application process, they may take a voter registration form for mail-in registration.

V. Individuals Required to be Offered Registration Services – In order to be offered voter registration services, an individual must:

- A. Be a member of the TANF assistance unit/SNAP household/Medicaid family unit.
- B. Be at least 18 years old by the next general election. General elections are held in all localities on the Tuesday after the first Monday in November or on the first Tuesday in May to fill offices regularly scheduled by law to be filled at those times. If any question arises as to whether the individual will turn 18 before the next general election, complete the registration application and the local registrar will determine if the individual may be registered.
- C. Be present in the office at the time of the application/review interview or when a change of address is reported (if a change of address is not reported in person, a registration application will be sent to the individual upon request for mail-in purposes.) Any change in household/assistance unit/Medicaid family unit composition that does not occur concurrent with an application/review or change of address will be handled at the next scheduled review.

Any individual accompanying the customer to the local agency who is not a member of the assistance unit/household (including payees and authorized representatives) will not be offered voter registration services by the local agency; however, a registration application is to be provided to the non-unit member upon request for mail-in purposes.

Any request for a mail-in application for assistance must include a mail-in voter registration application. When an authorized representative is applying on another individual's behalf, the local agency is to offer a mail-in application. In both situations, the bottom of the certification form is to be completed accordingly.

VI. Voter Registration Application Sites – Local social services agencies are required to offer voter registration application services at each local office (including satellite offices) for applicants/recipients of TANF, SNAP, and Medicaid assistance. Voter registration application services are to be offered by out stationed staff taking Medicaid applications at hospitals/local health departments or by Medicaid staff at the state's Mental Health, Mental Retardation, and Substance Abuse facilities.

VII. Reporting

- A. Local agencies must report monthly, on **Fusion**, <https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION> the number of voter registration applications submitted to their local registrar.
- B. Reports must be submitted electronically by the 15th of each month for registrations submitted the preceding month.

It is important that EWs submit all voter registration applications to the agency coordinator as soon as possible after completion by the client.

VII. Restoration of Rights – For individuals who have lost the right to vote, local agencies may obtain information for restoration of voting rights through flyers published by the American Civil Liberties Union (ACLU) of Virginia, 530 East Main Street, Suite 310, Richmond, VA 23219, (804) 644-8080. The local agency should distribute these flyers to individuals who indicate they are declining to register to vote because they have lost the right to vote.

502.2 PERIOD COVERED BY PAYMENT

- A. The payment covers the entire calendar month of eligibility (Section 401.1.I.), except when eligibility is determined in the same month in which an application for financial assistance is received or when an individual is added to an existing case. No payment may be issued prior to the date of application. The effective date of payment is the date that initial eligibility for assistance or a change in amount of assistance begins.

No payment shall be made on an approved application for periods prior to the date of application. If the beginning date of assistance is not the first of the month, the payment for that month must be prorated. This is accomplished by dividing the amount payable by 30 days, regardless of the total number of days in such month. This amount is then multiplied by the actual days in the month including and following the date of authorization. Additionally, when an individual is added to an existing case, the individual's portion of the payment must be prorated for the first month of eligibility with the beginning date of payment established in accordance with Section 401.2.B.2.c.

Example 1: A Group II locality receives a signed application from Ms. Doe on August 18. She requested assistance for herself and two children and reports no income. The agency determined she is eligible to receive an assistance payment on August 24. The beginning date of assistance for Ms. Doe is August 18. Her first month's payment is calculated as follows:

1. 14 days = number of days for which Ms. Doe is eligible to receive assistance in August.
2. **\$459.00** = payment amount for full month's payment.

The method of computation is as follows:

$$\mathbf{\$459.00} \div 30 = \mathbf{\$15.30} \times 14 = \mathbf{\$214.20}$$

\$214.00 payment (rounded down)

Example 2: A Group II locality receives an application on August 5 requesting assistance for a mother and two children. The family receives Social Security of \$88.50 each month. The agency determines eligibility on August 10. The beginning date of assistance for Ms. Doe is August 5. The first payment will be computed as follows:

$$\mathbf{\$459.00} - \$88.50 = \mathbf{\$370.50} \text{ full month deficit}$$

$$\mathbf{\$370.50} \div 30 = \mathbf{\$12.35} \text{ daily rate}$$

$$\mathbf{\$12.35} \times 27 \text{ days} = \mathbf{\$333.45} \text{ prorated deficit}$$

\$333.00 payment (rounded down)

Example 3: On September 5, a timely report is received that on that date a sibling of the child(ren) in the assistance unit moved back into the home. The child being added has unearned income of \$30 per month. Eligibility for the child is established on September 13. However, the payment is prorated for the period beginning September 5 (26 days), the date the required unit member entered the home.

Current payment	\$459
Full payment after adding child	\$549 - \$30 = \$519
Child's portion to be prorated	\$519 - \$459 = \$60
	\$60 ÷ 30 = \$2.00
	\$2.00 x 26 days = \$52.00
Supplement for September	\$52.00 payment (rounded down)

If the individual's presence in the home is not reported timely, payment for the first month of eligibility will be prorated from the date the change was reported or became known to the agency. Or, if the unit failed or refused to cooperate in establishing eligibility without good cause, payment will be prorated from the date the last categorical verification is received or eligibility condition is met. (Refer to Section [401.2.B.2.c](#).)

- B. TANF-UP - Follow guidance in 502.2 A. except when a second parent enters the home in an existing TANF case. Guidance in [401.2 B.2.c](#) addresses handling the addition of a second parent.
- C. Emergency Assistance - Payment covers specified needs related to the emergency as specified in Section [203.2](#). Payment is also limited to coverage of needs arising or anticipated during the 30-day period following initial authorization of Emergency Assistance.

Example: In June the worker discovers that an eligible child left the home on August 5 of the previous year. The child should have been reported no later than September 10. Overpayments must be calculated beginning with the October payment. The overpayment amount is the difference between the payment received each month and the correct payment for the actual number of eligible members living in the household.

G. Overpayments Resulting from Incorrect Composition of the Assistance Unit – When it is discovered that an individual required to be in the assistance unit is living in the home, it must be determined if an overpayment occurred. This determination is to be made as follows:

1. Redetermine eligibility for each month beginning with the month following the month the individual entered the home or was required to be in the assistance unit, including the individual's needs, and actual income. Any resulting overpayments must be recouped/recovered.
2. If during the period in which the individual was required to be in the unit he had no income or his needs exceeded his income, an under- payment has occurred only for the months in which all categorical requirements were met and the conditions of eligibility are retroactively deemed to be met per Section 401.2.B.2.c. (See Section 503.9).

H. Determining the amount of the overpayment when support has been paid for a child in the TANF assistance unit.

1. The agency must determine the amount of support paid for children in the AU using the report, TANF Cases Current Collected Support Report.
2. Current monthly support paid to DCSE not redirected to the recipient must be subtracted from the total TANF payment issued for the month:

Example: A **\$366** TANF payment was made for the month of April. The amount subject to recoupment is **\$366** (Group II, AU = 2), minus total current support collected by DCSE in April (the month the overpayment occurred), which was \$150; therefore, the April overpayment is **\$216**.

I. Determining Overpayments Resulting from Redirected Support Paid to the Client

1. An overpayment must be determined when a TANF recipient who was receiving support at the time of TANF application fails to redirect following TANF case approval.
2. An overpayment will not exist when DCSE returns to the client support which the recipient has redirected to DCSE.
3. An overpayment amount will be determined for new support not redirected to DCSE only when the support amount will cause the total income for the AU to exceed 130% of the Federal Poverty Level.

503.8 NOTIFICATION, RECOUPMENT AND RECOVERY OF OVERPAYMENTS - The local department must promptly recoup or recover any overpayments including overpayments resulting from assistance paid pending hearing decisions. Repayment by either a former or current recipient of the overpayment can occur through recoupment or recovery or both. The agency should discuss voluntary repayment with the client prior to initiating a recoupment.

- A. Notification to the assistance unit must be given before recoupment or recovery of an overpayment begins. After calculating the total amount of the overpayment, the local department of social services must send the Request for Repayment of TANF Payments and/or Payments for VIEW Services' form. The form is available in the Forms Drawer on the SPARK page. The first page of the form displays the period over which the overpayment occurred and the total amount of the overpayment. The second page allows the individual to select the method of repayment.

A copy of the form must be sent to the TANF recipient or payee or previous TANF recipient or payee and a signed copy filed in the case record. The signed form must remain in the case record until the overpayment has been satisfied. Note: If the recipient or payee fails to sign the form, the unsigned copy must be retained in the case record.

When the signed form is not returned, if 30 days have passed since the initial demand letter was sent on an active TANF case or on a case receiving a VIEW Transitional Payment (VTP), recoupment should begin the following month. When the TANF case closes prior to the month in which recoupment was scheduled to begin and the recipient or payee later reapplies for TANF assistance, she will be advised that recoupment will begin in the first month that the case is eligible for assistance.

- B. Recoupment consists of withholding all or part of the assistance payment. An overpayment made to a current recipient or payee must be recouped by reducing the amount of any future assistance payable to any assistance unit of which the individual is a member or payee.
1. When the recipient or payee has no cash reserve or countable income (payment equals the Standard of Assistance for the AU), 10% of the assistance payment may be recouped until the overpayment has been repaid. Under the Repayment Agreement Section on the Claim Information Screen, enter the amount that equals 10% in the "Amount Agreed To Pay" field or the percentage amount in the percentage field.

Example: TANF Payment of **\$549**; Recoup 10% (**\$54.90**); amount of recoupment = **(\$54.90)**; New payment amount is **\$494.10**.

2. In situations where a recipient (but not a payee) has earned income, unearned income, or any combination thereof, in addition to the assistance payment, part or all of the assistance payment may be recouped as long as the assistance unit retains at least 90 percent of the standard of assistance when the total gross income and the amount of the current payment are considered.

To calculate the client's ability to repay the overpayment, the worker will follow steps a - d below:

- a. Determine the amount of the overpayment.

*45 CFR 233.20(a)(13)(i)

*§63.2 - 512

- b. Combine all gross income including any income that would be disregarded for TANF purposes (such as SSI) and the current payment to determine the amount of income available to the AU.
- c. Determine 90% of the standard of assistance for a family of equal size in the same locality. This represents the amount of money the client must have available.
- d. Subtract the amount in step c from the amount in step b. The difference represents the amount the client is able to repay on the overpayment.

Note: When the additional income or the TANF payment amount is either increased or reduced, the recoupment amount is to be recalculated.

Example 1:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$710.00**

(\$344 gross wages + **\$366** payment amount)

Step c: Minimum amount AU retains (**\$366** X 90%) - **\$329.40**

Step d: Maximum amount that can be paid = **\$380.60**

The EW will recoup the entire payment amount of **\$366**.

If the amount that can be paid is equal to or greater than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the payment.

Example 2:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$509.00**

(\$50.00 gross wages + **\$459** payment amount)

Step c: Minimum AU retains (**\$459** X 90%) - **\$413.10**

Step d: Maximum amount that can be paid = **\$ 95.90**

The EW will recoup **\$95.90** from the payment.

If the amount that can be paid is less than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the amount that can be paid.

The monthly assistance payment will be reduced according to B (1) and (2) above until such time as the overpayment has been repaid. If, however, income and/or cash reserves have been counted in establishing the client's ability to repay, recovery of the overpayment may also be accomplished through voluntary repayment. This option is to be offered to the client prior to initiating a recoupment.

If recoupment reduces the payment to zero, the case will be retained as TANF eligible with no money payment.

- C. Recovery consists of making arrangements with a former or current recipient or payee for voluntary repayment of all or a portion of the overpayment even though the client may no longer be eligible for assistance. If a former recipient or payee fails to make the voluntary repayment, the agency must initiate action under Section 63.2-512, Code of Virginia, to collect the amount as a debt.

Example 1: TANF case is suspended effective July 1 because the agency is unable to locate the client. The client contacted the agency on July 12 and reported a new address. The assistance unit has zero countable income.

Eligibility worker is reinstating the TANF payment on July 14th
APECS shows a total of \$189 has been sent to the client in July.

TANF Payment amount	\$459	Mailed support	\$189.00
		Disregard amount	<u>-100.00</u>
			\$ 89.00

TANF Payment amount **\$459** - \$89 = **\$370** TANF supplement for July

Another payment of \$102 is made to DCSE on July 23rd and deposited to the client's EPPICard account on July 27th. The support payment posted to the client's account will not be considered an overpayment.

Example 2: TANF case is suspended effective July 1, because the client failed to provide required verifications for a change reported on June 5th. The client provided the verifications to the agency on July 20. The assistance unit has zero countable income.

Eligibility worker is reinstating the TANF payment on July 21st.

APECS shows a total of \$250 has been sent to the client in July.

TANF Payment amount	\$648	Mailed support	\$250.00
		Disregard amount	<u>-100.00</u>
			\$150.00

TANF Payment amount **\$648** - \$150 = **\$498** TANF supplement for July

Another payment of \$50.00 is made to DCSE on July 25th and deposited to the client's EPPICard account on July 29th. The support payment posted to the client's account will not be considered an overpayment.

Example 3: The “TANF-Cases Current Collect Support” report in August shows a TANF case with a “Suspended” TANF Program Status because of a first VIEW sanction. The worker suspended the case on July 30th effective September 1st. The net support for July is \$586 with a monthly TANF payment of **\$459**. One asterisk displays in the column “DCSE Net Support Amount”.

No action is taken on the case for September.

A regular TANF payment will be issued for August. VaCMS will send a 'trigger' to DCSE at the end of August. DCSE will change this case to Non-TANF for the beginning of September.

All current support paid to DCSE from the non-custodial parent(s) in the month of September will be sent to the TANF recipient.

On August 16th, the client met VIEW program requirements. Since the client must serve a one-month sanction, she is not entitled to September benefits. The worker must wait until after the August cutoff date to reinstate the TANF benefit effective October 1st.

The worker does the following:

1. Runs eligibility and certifies and authorizes the October payment with an 'Approved' Eligibility Result.
2. A supplemental payment is not issued for the month of September. (The VIEW fixed sanction period of one month must be served.)

In determining the applicant's need for assistance, consider the applicant's immediate ongoing income only. Do not include terminated income or anticipated income in determining the applicant's need. Do not enter terminated or TANF anticipated income in VaCMS. Follow these steps to determine the amount of the diversionary assistance payment:

- A. Calculate a maximum diversionary assistance amount - Compute the monthly grant amount for the assistance unit. Any ongoing income, such as social security income, will be counted. (Income from a terminated source, or income that has not started, is not considered ongoing income for diversionary assistance purposes.) Multiply the monthly grant amount by four.
- B. Determine the basic needs (as described in 801.1) of the assistance unit -The diversionary assistance amount can cover more than one basic need and can include items such as shelter payments, utility payments, and transportation assistance. (Note: When the need is vehicle repair, the vehicle must be registered - either solely or jointly - in the name of at least one of the household members applying for assistance.) Document the case as to the needs that will be covered and the verified cost of providing for each need. The case record must contain copies of documents (such as bills, cut-off notices, rental agreements, and automobile repair estimates) that verify each need.

Choose the most cost-effective, appropriate solution to the applicant's needs. For example, if the emergency has created a need for transportation, the agency may calculate the cost of bus tickets versus the price of repairing the car.

- C. Compare the amounts in A and B -The lesser amount of A and B is the amount of the diversionary assistance payment.

Example: Ms. Z applies for diversionary assistance for herself and two children. Her car broke down, and she is unable to get to work. As there is no countable income, the maximum she can receive is **\$1,836** ($\$459 \times 4 = \$1,836$). There is no other transportation available, and Ms. Z needs her car to get to work. Ms. Z provides verification that the repairs to her car will cost \$900. Since \$900 is less than the maximum available diversionary assistance payment amount of **\$1,836** and Ms. Z did not report any additional needs, the diversionary assistance amount would be \$900.

- D. Supervisory approval is required for all diversionary assistance payments. It is the responsibility of the supervisor to ensure that the payment is made by a check to the vendor, or when that is not possible, by a check to the client. In no case is a diversionary assistance payment to be made by debit card.

801.7 PERIOD OF INELIGIBILITY (POI)

- A. If an assistance unit receives a diversionary assistance payment, it shall be ineligible for TANF for up to 180 calendar days beginning with the date that the diversionary assistance is certified and authorized. To determine the period of ineligibility follow these steps:
 1. Determine the monthly amount of TANF for which the applicant is eligible. If an Intentional Program Violation (IPV) has been committed, exclude the disqualified individual's needs from the monthly grant amount. Follow IPV procedures in Section 102.3.A. Note: To determine how many months will be counted as months of disqualification to be deducted from the individual's IPV penalty period, divide the number of days that are covered in the payment amount (as determined in step 3 below) by 30. Round up to the next whole number.

DIVERSIONARY ASSISTANCE EXAMPLES

Example 1:

Ms. Elliott applied for diversionary assistance on June 1st for herself and two children. She had been working full time but was laid off on May 24th. She will receive her final paycheck on June 4th in the amount of \$403. She also has a part time job working 15 hours a week at \$8 an hour.

Ms. Elliott is requesting assistance in paying off a \$1200 medical bill. She is no longer able to make payments on it since she lost her full time job and has been threatened with court action. Her situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid.

Because the final check Ms. Elliott will receive is from a terminated source, that income will not be considered in determining her eligibility for diversionary assistance and will not be entered on the employment details screen. (Note: If the amount of the final paycheck is entered, it will be counted in determining eligibility even though it is from a terminated source.) Ms. Elliott has monthly income from her part time job of \$516 (\$8 per hour x 15 hours per week x 4.3 = \$516). That income is ongoing and will be counted in determining diversionary assistance eligibility.

Ms. Elliott's monthly income of \$516 is less than the **\$920** maximum family income for a family of 3 in a Group II locality and the maximum income case passes the maximum income screen. The Standard of Assistance for her family size is **\$459**, but the case is eligible for only **\$179** per month based on Ms. Elliott's income. The maximum diversionary assistance amount available to the family is \$1500. Ms. Elliott agreed that this amount would help her situation. She needed a minimum of \$600 to forestall court action. She decided to proceed with an application for diversionary assistance.

Earned Income	\$ 516.00	(on going)
Standard Deduction for 3	<u>-167.00</u>	
Sub Total	349.00	
20% Reduction	<u>\$ 69.80</u>	
Total Grant Reduction	\$ 279.20	
TANF Payment Amount	\$ 179.00	(Group II, SOA for 3 = 459.00 ; 459.00 - \$279.20 = \$179.80)
Diversinary Assistance Period	x <u>4</u>	months
Total Diversinary Assistance Amount	\$ 716.00	
Maximum Diversinary Assistance Amount	\$1500.00	
Applicant Need	\$1200.00	(medical bill)
Diversinary Assistance Payment Amount	\$1200.00	

Example 2:

Ms. Ortiz applies for diversionary assistance on November 2nd for herself and her two nieces. She works at a large retail nursery supplying herbs and produce to restaurants and grocery stores in the eastern states. The nursery closes from November 1st to February 28th each year.

Ms. Ortiz works between 25 and 40 hours a week and earns \$8 per hour. She worked 30 hours the last week in October and will receive her final paycheck on November 9th. That paycheck for gross income of \$240, will be the only income, earned or unearned, that she and the children will receive for November. Ms. Ortiz states that she is optimistic that she will find a job in the next week or so, but does not have enough money to pay her November car payment of \$550, her rent of \$1050 and her utility bill, including arrears, of \$350.

Ms. Ortiz's situation meets the diversionary assistance requirement of a crisis situation which can be solved by short-term aid, and she meets TANF income and other eligibility criteria.

While Ms. Ortiz has \$240 in earned income for November, the income is not counted in determining the amount of assistance since it is from a terminated source. The income is not entered on the employment details screen. Her needs total \$1,950 which exceeds the maximum diversionary assistance payment of \$1,836. The diversionary assistance granted is the maximum payment of \$1,836. Ms. Ortiz's sister agrees to give her \$114 to combine with the maximum diversionary amount so that the crisis situation can be resolved.

The household has no countable income.

TANF Payment Amount	\$ 459.00	(Group II, SOA for 3 = \$459)
Diversions Assistance Period	x 4	months
Total Diversions Assistance Amount	\$ 1,836.00	
Applicant Need	\$1,950.00	(\$550.00 car payment + \$1050.00 rent + \$350.00 utility bill)
Diversions Assistance Payment Amount	\$1,836.00	

Example 3:

Mr. and Mrs. Carter apply for diversionary assistance on July 25th for themselves and their three young children. Mr. Carter's employer, a small manufacturer supplying the automobile industry, closed abruptly on March 20th. The employees were given no notice and no severance pay. Mr. Carter received his last paycheck, which included his wages through the day the plant closed, in the mail the next week. Since then, the family has survived with the help of family and friends, and a hardship withdrawal of \$12,000 from his small 401k. The balance in the 401k is now \$2,000 and Mr. Carter is hesitant to use it since the family will then be destitute. The family is requesting help with August rent and utilities.

Since the Mr. Carter's employment income from March is from a terminated source and since the loss of income occurred within the six month preceding the application date, it is not considered in determining eligibility for diversionary assistance and is not entered on the employment details screen. The family has no other income and the case passes the **maximum income** screen.

The Carter family's need for rental and utility assistance meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid. However, the family did not have copies of the children's birth certificates at the time of application so the agency was unable to immediately establish relationship and approve the diversionary assistance application.

Mr. Carter returned to the agency on August 11th with the children's birth certificates and the agency was able to establish relationship. Mr. Carter told the agency at that time that his wife had begun caring for a neighbor's child after school and would be making \$50 a week through the end of the school year. She was paid \$50 for one week of work on August 9th.

Since the agency had not yet approved the diversionary assistance application; and since Mrs. Carter has received income which will be ongoing, the agency must re-determine the family's eligibility for assistance.

Mrs. Carter's monthly income of \$215 is less than the **\$1,544** maximum family income for a family of 5 in a Group III locality and the case passes the maximum income screen. The standard of assistance for a family of 5 in a Group III locality is **\$772**. After the earned income disregards are applied to Mrs. Carter's income, the grant amount is reduced to **\$767**. The maximum diversionary assistance payment is determined by multiplying the grant amount by 4, the number of assistance payments the family could receive in a 4-month period. The actual diversionary payment is the maximum amount, or the eligible needs of the applicant, whichever is less.

Earned Income	\$ 215.00	(ongoing income)
Standard Deduction for 5	<u>- 209.00</u>	
Subtotal	\$ 6.00	
20% Reduction	<u>- 1.20</u>	
Total Grant Reduction	\$ 4.80	
TANF Payment Amount	\$ 767.00	(Group III, SOA for 5 - \$772 ; \$772-\$4.80 = \$767.20)
Diversionsary Assistance Period	x <u>4</u>	months
Total Diversionsary Assistance Amount	\$3,068.00	
Applicant Need	\$1,225.00	(\$875.00 rent + \$350 utilities)
Diversionsary Assistance Payment Amount	\$1,225.00	

Example 4:

Mr. Lawrence, a former VIEW participant with 22 months on the 24-month clock, applied for diversionary assistance on March 28th for himself and one child. He had not been working steadily for some time but found what he believes to be secure employment one week before he applied for assistance. He makes \$12 an hour and will receive his first paycheck in two weeks. He has been living with friends, but has been asked to leave now that he has income. He has located an apartment but needs help in paying the rent and security deposit of \$575 each. His situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid.

Because Mr. Lawrence's income has not yet started, the income will not be considered in determining his eligibility for diversionary assistance. The delay in the receipt of income will meet the diversionary assistance guidance requirement. His anticipated income will not be entered on the employment details screen.

The Standard of Assistance for a family of two in a Group III locality is **\$465**. The maximum diversionary assistance payment is **\$1,860**. (Note: The number of months used to calculate the maximum diversionary assistance amount is always 4 without regard to the number of months on the VIEW clock or 60-month clock at application).

TANF Payment Amount	\$ 465.00	(Group III, SOA for 2) months
Diversionary Assistance Period	<u> 4</u>	
Diversionary Assistance Amount	\$1,860.00	
Applicant Need	\$1,150.00	(\$575.00 rent + \$575.00 security deposit)
Diversionary Assistance Payment Amount	\$1,150.00	

Example 5:

Ms. Clark applied for diversionary assistance on August 15th, after her boyfriend, Mr. Lawrence, moved out earlier in the month. They had lived together for four years and he is the father of her two children. He had been the sole support of the family. Ms. Clark has an associate's degree in Business but has not worked since her youngest child was born two years ago.

Mr. Lawrence did not pay the \$827 mortgage on their home which was due August 1, or the telephone and electric bills which total \$125, or make the \$235 car payment on Ms. Clark's car. Ms. Clark began looking for employment as soon as she realized that Mr. Lawrence had left permanently and has found full time employment at \$11.20 an hour beginning August 20th. Her first paycheck for one week's pay will be received on September 3rd.

Because Ms. Clark has found employment and will be able to support her family in the future, the loss of income (from Mr. Lawrence) can be considered a temporary loss as required by diversionary assistance guidance. She meets the other criteria for diversionary assistance.

TANF Payment Amount	\$ 559.00	(Group III, SOA for 3) months
Diversionary Assistance Period	<u> 4</u>	
Diversionary Assistance Amount	\$ 2,236.00	
Applicant Need	\$ 1,187.00	(\$125.00 utilities + \$235.00 car payment + \$827.00 mortgage)
Diversionary Assistance Payment Amount	\$1,187.00	

Example 6:

Mrs. Noel applied for diversionary assistance on December 3rd for herself and four children. She has been employed by the same company for three years, working 30 hours per week, but has just received notification that all employees would be cut back to 18 hours per week at least until February. The employer hopes to return all employees to their regular hours and pay at that time. Mrs. Noel makes \$8 an hour and received her last full pay check on November 28th in the amount of \$240.

Ms. Noel is concerned that she will be unable to make her mortgage payments for December and January, and possibly February, and still keep up with her other bills. Ms. Noel has been purchasing her Habitat for Humanity Home for three years. Her mortgage payment of \$650 per month is due on the 15th.

Mrs. Noel's income for December will be \$619.20 (\$8 per hour x 18 hours per week x 4.3 = \$619.20) which is less than the **\$1,296** maximum family income for a family of 5 in a Group II agency. The case passes the maximum income screening.

Her situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid, and she meets TANF income and other eligibility criteria.

The standard of assistance for a family of 5 in a Group II locality is **\$648** but the case is eligible for only **\$262** per month based on Mrs. Noel's income. The total diversionary assistance amount available to the family is **\$1,500**. Mrs. Noel decided to rely on her family for help with her mortgage for December and January. **She** does not want to jeopardize her TANF eligibility in case her employer has to lay off employees in the future.

Earned Income	\$ 619.20	(ongoing income)
Standard Deduction for 5	<u>- 205.00</u>	
Sub Total	\$ 414.20	
20% Reduction	<u>- 82.84</u>	
Total Grant Reduction	\$ 385.36	
TANF Payment Amount	\$ 262.00	(Group II, SOA for 5 = \$648 ; \$648-\$385.36 = \$262.64)
Diversiónary Assistance Period	<u>x 4</u>	months
Total Diversiónary Assistance Amount	\$1,048.00	
Maximum Diversiónary Assistance Amount	\$1,500.00	
Applicant Need	\$1,950.00	(mortgage - \$650 per month x 3 months)
Diversiónary Assistance Payment Amount	None, based on client's decision.	

- N. Upon receiving a task and reminder that the recipient has refused to attend an initial assessment appointment or refused to sign the Agreement of Personal Responsibility without good cause, close the TANF case. Note: The client will be required to sign the Agreement of Personal Responsibility as a condition of eligibility if she reapplies for assistance. The EW will send the ANPA (032-03-0018) within three working days of receipt of the notification from the ESW.
- O. Obtain verification and impact the assistance payment when a recipient obtains employment.
- P. Send the Advance Notice of Proposed Action to the recipient at least 60 days prior to the case termination effective date when the 24 months time limit is to expire.
- Q. Upon notification from the ESW indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, the EW will update the employment details information and run Eligibility. The TANF payment will **continue** per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.
- R. When closing a TANF case with a VIEW participant, determine VTP eligibility. Inform the ESW when a VTP is started or terminated in VaCMS.
- S. Close the VTP case when the client is no longer eligible.
- T. Transfer the VTP case when a client moves to another locality in Virginia.
Note: It is the responsibility of the receiving agency to determine if the client continues to meet all of the VTP eligibility requirements.

901.10 NOTICE AND APPEAL OF THE TIME LIMIT* - VaCMS will generate the TANF 24-month Advance Notice of Proposed Action on the 15th day of the twenty-second month of VIEW participation and a copy will be retained in the forms history within VaCMS. **(Note: If an authorized representative was given permission to receive letters regarding actions taken on the case, then the authorized representative will also be mailed the notice.)** The notice will inform the VIEW participant that her payments will be terminated at the end of the 24th month. The notice will also inform the participant of her right to appeal a case closure and the circumstances which constitute a hardship exception and how a hardship application is made. In addition, the ESW must make a good faith effort to inform the person verbally.

If a case is not in approved status in the system on the first of the month of month twenty-two, the eligibility worker must send a manual Advance Notice of Proposed Action. This notice must inform the recipient that financial assistance is scheduled to terminate due to the 24-month time limit and that she and her family will be ineligible for financial assistance for at least 24 months after termination of TANF. Information regarding circumstances which constitute a hardship and how to apply for a hardship exception must also be provided.

If an applicant is reapplying for TANF, and has already received a 60-day notice, the agency must note the number of remaining VIEW months on the Notice of Action to approve the case.

In the event the notice is not issued in a timely manner, the agency must not close the case due to the 24-month time limit until the full 60-day advance notice period has expired. Exception: At the recipient's request, the agency must allow the recipient to waive the 60-day advance notice period. The recipient must provide a signed, written statement indicating that 1) she understands that action will be taken to close her case due to the 24-month time limit; 2) she waives her right to the full 60-day advance notice period; and 3) she understands that if she wants to request a hardship exception, she must submit a signed and dated written request postmarked prior to the effective date of the TANF case closure. Any payments received after the 24th month are an overpayment and must be recovered.

If a hearing is requested prior to the effective date of the proposed change to terminate payments due to the 24-month time limit, a participant appealing such change shall have the right to continued direct payment of TANF payments pending final administrative action on such appeal.

Termination of financial assistance due to expiration of the VIEW 24-month time limit is the only circumstance which requires a 60-day advance notice. For any other action regarding notification, adhere to guidance found in Chapter 400.

* Code of Virginia, §63.2-612

901.14 **Full Employment Program** - The Full Employment Program (FEP) is a subsidized, training-oriented employment activity for VIEW participants who have been unable to find a job on their own. FEP uses government funds to directly subsidize wages paid by the employer. Wages are paid through the regular employer payroll based upon hours worked. A monthly stipend is issued to the employer for the duration of the FEP placement. The VIEW participant is an employee of the FEP employer and receives a paycheck **and** a TANF payment.

The FEP placement and stipend periods are a fixed six-month period unless the case will reach either the 24-month or 60-month limit on the receipt of TANF. Under those conditions, a shorter placement (of at least three months) can be established so that the placement end will coincide with the end of the receipt of TANF payments. The placement begins the month FEP employment begins and ends on the last day of the final month of the placement, e.g., placement begins June 10 and continues through November 30, and the corresponding stipend period begins on July 1 and ends on December 1. The begin date of placement cannot be a date within the last 11 days of the placement month due to notification requirements for TANF recipients since no TANF payment will be made during the FEP placement.

Any caretaker who is participating in VIEW may participate in FEP. **Any active VIEW participant** on a case shall be assigned to a FEP placement at any time. No member of a case serving a VIEW sanction can participate in FEP unless the minimum sanction period has elapsed. **For TANF-UP cases, both parents can participate in FEP – these placements may be simultaneous. FEP participants may only participate in one FEP job placement at a time for no more than 6 months during the VIEW participation period.**

Example: An individual is enrolled in a FEP activity for 6 consecutive months - 2 months are with Employer A and 4 months are with Employer B. The total months participating will be 6 months and the income will be countable beginning the 7th month of VIEW participation.

Example: TANF household with 1 parent, John Smith, is enrolled in a FEP activity component with Employer A for 4 consecutive months and the FEP activity is closed. ESP worker will inform the EW of the closure and the EW should re-run eligibility to re-evaluate TANF benefits for the household. Upon running eligibility, the household will be evaluated for TANF benefits. Earned income of the household will be considered by eligibility while determining TANF benefit amount. The FEP stipend will end the following month.

- A. **TANF Payment Diverted To Employer** - When notified by the VIEW worker of the FEP placement, the eligibility worker must take action in VaCMS to enroll the individual as a FEP participant and divert monthly payments to the employer. The EW must send an Advance Notice of Proposed Action informing the recipient that the TANF payment will be suspended. **Note:** Suspension in the context of FEP participation means that no monthly payment will be issued to the FEP participant while in the placement. It does not mean that action to suspend the payment should be taken in VaCMS, as this would prevent issuance of the monthly stipend to the employer. The recipient is enrolled in FEP by completion of the Activity and Employer/Employment Details screens in the ESP module of VaCMS.

If the Eligibility worker receives notification of a FEP placement during the 10-day notice period, the VaCMS system should not be updated until the first of the following month. It will be necessary to issue the initial employer stipend out of Benefit Adjustment. The EW should act on the reported change within three business days whenever possible. However, the EW must act on the reported change within 10 days.

Example: On May 23, the Eligibility Worker receives the FEP Communication Form from the ESW indicating a FEP Placement began on May 18. The Eligibility Worker should wait until June 1 to

enter the information into the VaCMS system. A TANF payment will be made to the client for June.

This is not an overpayment since the Eligibility Worker was not able to provide timely notice. The initial employer stipend for the month of May should be issued out of TANF Benefit Adjustment at the beginning of June. The June employer stipend will be issued through the monthly batch process and will be received by the employer at the beginning of July.

- B. TANF Eligibility During FEP Placement - A participant remains eligible for TANF for the duration of the FEP placement, with two exceptions:**
- 1. no eligible children remain in the home, and**
 - 2. a VIEW sanction is imposed on the FEP case as a result of non-compliance with the VIEW program by the FEP participant. See 901.6.**

Eligibility continues during FEP participation even though changes reported would otherwise cause the case to be ineligible, e.g., a parent with income in excess of 130% of the federal poverty level.

1. During placement in FEP employment, the recipient must continue to report required changes (Section 401.2.B.2.), and the changes must be entered in VaCMS. Although the information entered does not affect eligibility of the TANF case, the changes must be evaluated in accordance with SNAP and Medicaid requirements and may impact the assistance unit's eligibility for SNAP or Medicaid.
 2. If a redetermination is due anytime during the FEP placement and the case is receiving TANF and SNAP, the redetermination must be completed when due. Changes in the participant's circumstances will not affect TANF eligibility during the FEP placement, except as noted in paragraph B above.
 3. If the case is TANF only, the eligibility worker may postpone the redetermination until the last month of the FEP placement, since a full evaluation of eligibility must be completed at that time. In determining ongoing eligibility following termination of the FEP placement, the EW must take into account any changes that have occurred during the placement. If the FEP participant is retained by the employer following termination of the placement, wages received are evaluated the same as for unsubsidized employment.
 4. **Any wages earned while participating in the FEP will be excluded for up to six months per each participating individual. For example, if two people on a VIEW case are participating in FEP, then both of their wages will be excluded for up to six months during the VIEW participation period. If both parents are participating in VIEW and only one parent participates in FEP, then only the income for the FEP participant will be excluded.**
- C. Issuance of Stipend Payments to the Employer - The employer stipend is a monthly payment paid as partial reimbursement of expenses incurred by the employer for wages and training provided to the FEP participant. **The stipend is predetermined and will be distributed in tiers:**
- **Tier I: Participant works 20 or more hours per week – employer will receive \$500**
 - **Tier II: Participant works 30 or more hours per week – employer will receive \$750**
 - **Tier III: Participant works 40 or more hours per week – employer will receive \$1000**

Stipends are normally issued on the first of each month through the monthly batch process. However, the first stipend must be issued through Benefit Adjustment when VaCMS cannot be updated because of the 10-day timely notice period.

Stipends are paid beginning the month after the participant enters a FEP placement. FEP stipends are issued for up to six consecutive months unless notified by the ESW to discontinue the payments prior to the end of the placement. In no instance are stipends to be paid for more than six months.

Example: TANF household with one parent, Mary Jay, is enrolled in FEP activity with Employer A for 3 consecutive months working at least 20 hours per week. In the 4th month, Mary worked more than 30 hours per week for the month. Worker changes the FEP Tier in the Activity Details screen from Tier 1 to Tier 2 in the 5th month. The ESW will inform the EW to re-determine TANF benefits for the household. Upon running eligibility, the household will be evaluated for TANF benefits. Mary Jay will be considered as a FEP individual and earned income for her will be not considered. A FEP stipend issued to Employer A will be issued with a Tier 2 benefit amount for the 6th month.

Example: TANF household with one parent, Sallie Jones, is enrolled in FEP activity with Employer A for 3 consecutive months working at least 40 hours per week. In the 4th month, Sallie worked less than 40 but more than 30 hours per week for the month. ESW changes the FEP Tier in the Activity Details screen from Tier 3 to Tier 2 in the 5th month. The ESW will inform the EW to re-determine TANF benefits for the household. Upon running eligibility, the household will be evaluated for TANF benefits. Sallie will remain a FEP individual and her earned income will be excluded. The FEP stipend will be issued to Employer A with a Tier 2 benefit amount for the following month.

Example: TANF household with one parent, Cliff Bean, is enrolled in FEP with Employer B for 4 consecutive months. EW performs a case change in the 5th month which leads to a TANF benefit closure effective the 6th month. Upon running eligibility, household will be evaluated for TANF benefits. TANF is closed based on the eligibility determination. FEP stipend will no longer be issued to Employer B.

Example: TANF-UP household, James and Marie, are both enrolled in FEP activities with Employer A and Employer B respectively. Upon running eligibility, the household will be evaluated for TANF benefits. The FEP stipend will be issued to Employer A for James and Employer B for Marie based on the FEP Tiers selected for each of them.

Example: TANF-UP household, Jovi and Cindy enrolled in FEP activities - Employer C who employs Jovi has already received 6 consecutive months of TANF FEP stipends. Employer D who employs Cindy has received only 3 consecutive months of TANF FEP stipends. Upon running eligibility, the household will be evaluated for TANF benefits. Earned income will be excluded for Cindy and the FEP stipend will be issued to Employer D based on the FEP Tier selected for Cindy. If Jovi starts to earn income after the six months of FEP, then his income would be countable on the 7th month while Cindy's FEP income would be excluded until she exhausts her 6 months of FEP participation.

- D. Issuance of TANF Payments during the FEP Placement - A supplemental payment to the recipient may be issued in the following situations:
1. The EW is notified by the ESW that the participant worked less than an average of 20 hours per week, with good cause. Good cause means that the failure to work was outside the control of the FEP participant, such as, but not limited to, loss of child care, transportation, illness of the FEP participant or a family member, or another emergency situation. The number of hours worked and good cause are determined by the ESW. If the ESW determines good cause does not exist, no supplement is to be issued.

The EW will issue a supplemental payment through Benefit Adjustment using gross earnings information provided by the ESW and other countable income received in the month for which the supplement is issued. The amount of the payment is determined using the VIEW calculation. If an overpayment or penalty is in effect, the payment to the FEP participant must be reduced accordingly.
 2. Both a TANF payment and monthly FEP stipend must be issued in the final month of the FEP period.
- E. Treatment of Child Support Payments - FEP participants must continue to redirect all support to the Division of Child Support Enforcement (DCSE) while in a FEP placement. DCSE will issue to FEP participants all child support payments they would otherwise be entitled to receive. This includes \$100 disregard payments and other support payments they would receive if they were receiving a TANF payment.

- G. Replacement of Stipend or Bonus Checks - The FEP employer will contact the ESW if check replacement is necessary, and the ESW will notify the EW using the VIEW Full Employment Program Communication Form (032-03-0655). If a stipend is reported as lost, stolen, or mutilated, follow procedures in Section 502.5.D. and Appendix I to Chapter 500 to stop payment.**

The employer must complete the required three copies of the Affidavit on Check Endorsement. The employer will determine the appropriate person to complete and sign the affidavit. This is usually an employee in the accounting department with responsibility for endorsing checks received. If the employer endorses his checks with a stamp, the endorsement stamp should be stamped once on the signature section at the end of the affidavit.

FEP check replacements follow the same process as reissuing or replacing TANF or DA checks. Once the worker is notified of a lost/stolen/mutilated/cancelled/returned check, the worker must update the status and reissue the check through Maintain Checks. Under no circumstances should a local check be written to replace the original check as no process exists to reimburse the locality.

VIEW PAYMENT CALCULATION

Example 1: Earnings

Assistance unit of 2 in a Group II locality. Mom earns \$456 gross income each month.

Step (1)	Screening at Federal Poverty Level		
		\$ 456.00	Gross Monthly Earnings <
		\$1,437.00	Monthly Federal Poverty Level for 2
Step (2)	Unearned Income		
		\$ 366.00	Standard of Assistance for 2
		- 0.00	Unearned Income
		\$ 366.00	TANF Deficit
Step (3)	Earned Income Disregards		
		\$ 456.00	Gross Monthly Earnings
		- 167.00	Standard Deduction for 2
		\$ 289.00	x 20% =57.80
		- 57.80	
		\$ 231.20	Net Earned Income
Step (4)	Add Net Earned Income and TANF Deficit		
		\$ 231.20	Net Earned Income
		<u>+366.00</u>	TANF Deficit
		\$ 597.20	< Monthly Federal Poverty Level for 2
		\$ 366.00	= VIEW Payment (TANF Payment)

Example 2: Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$305 gross monthly and the assistance unit also receives \$120 unearned income monthly.

Step (1)	Screening at Federal Poverty Level		
		\$ 305.00	Gross Monthly Earnings <
		\$1,437.00	Monthly Federal Poverty Level for 2
Step(2)	Unearned Income		
		\$ 366.00	Standard of Assistance for 2
		<u>-120.00</u>	Unearned Income
		\$ 246.00	TANF Deficit
Step(3)	Earned Income Disregards		
		\$ 305.00	Gross Monthly Earnings
		<u>-167.00</u>	Standard Deduction for 2
		\$ 138.00	x 20% = 27.60
		<u>-27.60</u>	
		\$ 110.40	Net Earned Income
Step (4)	Add Net Earned Income and TANF Deficit		
		\$ 110.40	Net Earned Income
		<u>+ 246.00</u>	TANF Deficit
		\$ 356.40	< Monthly Federal Poverty Level 2
		\$ 246.00	= VIEW Payment (TANF Payment)

Example 3: Earnings Result in Ineligibility

Assistance unit of 4 in a Group III locality. Mom earns \$2,192 monthly gross income.

Step (1)	Screening at Federal Poverty Level		
		\$2,192.00	Gross Monthly Earnings
		\$ 2,183.00	Monthly Federal Poverty Level for 4

The assistance unit is ineligible.

Example 4: Maximum Reimbursable

Assistance unit of 6 in a Group II locality. Mom earns \$457 gross monthly income.

Step (1) Screening at Federal Poverty Level

\$ 457.00	Gross Monthly Earnings <
\$2,930.00	Monthly Federal Poverty Level for 6

Step (2) Unearned Income

\$ 724.00	Standard of Assistance for 6
<u>- 0.00</u>	Unearned Income
\$ 724.00	TANF Deficit
 \$688.00	Maximum Reimbursable Amount

Step (3) Earned Income Disregards

\$ 457.00	Gross Monthly Earnings
<u>- 243.00</u>	Standard Deduction for 6
\$ 214.00	x 20% = 42.80
<u>- 42.80</u>	
\$ 171.20	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$ 171.20	Net Earned Income <
<u>+ 688.00</u>	Maximum Reimbursable TANF Deficit
\$ 859.20	< Monthly Federal Poverty Level for 6
 \$ 688.00	= VIEW Payment (TANF Payment)

Example 5: Earned Income Case with Immunization Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$966 gross monthly income. One member of the assistance unit receives \$60 SSA monthly. There is a \$50 immunization penalty.

Step (1) Screening at Federal Poverty Level

\$ 966.00	Gross Monthly Earnings <
\$1,437.00	Monthly Federal Poverty Level for 2

Step (2) Unearned Income

\$ 465.00	Standard of Assistance for 2
<u>- 60.00</u>	Unearned Income
\$ 405.00	TANF Deficit

Step (3) Earned Income Disregards

\$ 966.00	Gross Monthly Earnings
<u>- 167.00</u>	Standard Deduction for 2
\$ 799.00	x 20% = 159.80
<u>- 159.80</u>	
\$ 639.20	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$ 639.20	Net Earned Income
<u>+ 405.00</u>	TANF Deficit
\$1,044.20	< Monthly Federal Poverty Level for 2
\$ 405.00	= VIEW Payment (TANF Payment)

Step (5) Apply Immunization Penalty

\$ 405.00	VIEW Payment
<u>- 50.00</u>	Immunization Penalty
\$ 355.00	Net VIEW Deficit
\$ 355.00	= VIEW Payment (TANF Payment)

Example 6: TANF-UP Household

Assistance unit of 4 in a Group II locality. Dad earns \$1,505 gross income.

Step (1) Screening at 150% of the Federal Poverty Level

\$1,505.00	Gross Monthly Earnings
\$3,275.00	< 150% of the Monthly Federal Poverty Level for 4

Step (2) Unearned Income

\$ 549.00	Standard of Assistance for 4
- 0.00	Unearned Income
\$ 549.00	TANF Deficit

Step (3) Earned Income Disregards

\$1,505.00	Gross Monthly Earnings
- 181.00	Standard Deduction for 4
\$1,324.00	X 20% = \$264.80
- 264.80	
\$1,059.20	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$1,059.20	
+ 549.00	TANF Deficit
\$1,608.20	< 150% of the Monthly Federal Poverty Level for 4
\$ 549.00	= VIEW Payment (TANF Payment)

Example 7: Earned Income Case with DCSE Non-cooperation

Assistance unit of 3, mom and two children, in a Group II locality. Mom earns \$1,100 gross income. She is not cooperating with DCSE. Her needs have been removed from the TANF payment and the assistance unit size has been reduced to 2.

Step (1) Screening at 100% of the Federal Poverty Level for an AU of 2

\$1,100.00	Gross Monthly Earnings
\$1,437.00	< 100% of the Monthly Federal Poverty Level for 2

Step (2) Unearned Income

\$ 366.00	Standard of Assistance for 2
- 0.00	Unearned Income
\$ 366.00	TANF Deficit

Step (3) Earned Income Disregards

\$1,100.00	Gross Monthly Earnings
- 167.00	Standard Deduction for 2
\$ 933.00	X 20% = \$186.60
- 186.60	
\$746.40	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$ 746.40	Net Earned Income
+ 366.00	TANF Deficit
\$1,112.40	< 100% of the Monthly Federal Poverty Level for 2
\$ 366.00	= VIEW Payment (TANF Payment)

Department - the Virginia Department of Social Services.

Disability - A disability, as defined by the Americans with Disabilities Act of 1990 as amended, is a physical, developmental, cognitive or mental health condition or learning disability that limits the ability of the individual to perform life activities. "Life activities" include, but are not limited to: the operation of a major bodily function, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Chronic health problems such as asthma, diabetes, and hypertension may also be considered disabilities if these conditions limit the individual's ability to function. For the purposes of the VIEW program, a disability must limit the participant's ability to participate in program activities or to work. All disabilities and their impact on program participation and work must be verified by a qualified professional.

A child has a disability if he or she has a physical, developmental, cognitive or mental health condition or learning disability that limits the ability to perform any of the activities listed above, or other activities, as compared with other children of the same chronological age.

Displacement - as applied to employment and employment programs, an illegal practice in which an employer fills a vacancy that exists because another individual is on layoff from the same or equivalent job; or when an employer fills a vacancy created by an involuntary reduction in the work force or by the termination of another employee for the purpose of filling a vacancy with a VIEW participant. No VIEW placement, including placements into the Full Employment Program (FEP), Community Work Experience Program (CWEP) or Public Service Program (PSP), may displace other workers.

Earned Income Disregards - a certain amount of earned income which is not counted when determining the amount of the TANF benefit.

Earned Income Tax Credit - a credit against the federal income tax of employed, low income workers. The earned income tax credit may be received as an addition to the paycheck of an eligible individual or as a refund from federal taxes due.

English as a Second Language (ESL)/ English for Speakers of Other Languages (ESOL) - programs of English language instruction for individuals who are not native English speakers.

ESW - Employment Services Worker. The local agency worker responsible for managing the client's VIEW case. In agencies in which one worker is responsible for both VIEW and TANF eligibility, the position may be referred to as a self-sufficiency worker rather than as an ESW.

EW - Eligibility Worker. The local agency worker responsible for managing the client's TANF case.

Exempt - status of a TANF or TANF-UP applicant or recipient who meets one of the VIEW program exemption criteria and, therefore, is not required to participate in VIEW.

Full Employment Program (FEP) - subsidized, training-oriented employment designed to train the **participant** for a specific job, to help increase self-sufficiency and to improve competitiveness in the labor market. **Participants receive both a TANF payment and wages from the employer.**

During a twelve-month period, the total countable hours of participation in job search and/or job readiness assignments cannot exceed 120 hours for a single parent with a child under age 6 in the home or 180 hours for all other individuals . (This is equivalent to 6 *weeks* of participation in the work activity.) If appropriate to meet the needs of the participant, additional participation in job search and/or job readiness in a twelve-month period can be assigned and entered into the ESP module in VaCMS, but will not be counted in the calculation of the federal participation rate.

- **Unsubsidized Employment, including self-employment.** Unsubsidized employment is employment in which no government funds are used to directly subsidize the individual's salary and in which the individual earns at least the federal minimum wage. Minimum wage means an hourly rate directly equaling the federal minimum wage or an hourly rate of at least \$2.13 which, when supplemented by tips, equals at least the minimum wage.
- **Subsidized Employment.** Subsidized employment is employment in which government funds are used to directly subsidize the participant's wages. Subsidized employment is designed to provide training while the participant works on the job. The VIEW Program provides one subsidized employment component – the Full Employment Program (FEP). FEP is subsidized employment in which the employer receives a fixed monthly stipend and the client receives wages **and** a TANF check.
- **Community Work Experience Program (CWEP).** CWEP is an unpaid work placement in a public or private non-profit organization. An assignment to CWEP is appropriate for participants who need to learn or improve skills or work behaviors, or to secure a job reference, in order to find paid employment. The number of hours of a CWEP assignment is based on the TANF payment amount and SNAP allotment.
- **Public Service Program (PSP).** Public Service includes volunteer work performed by the VIEW participant. It is similar to work experience in that the client will be engaged in unpaid work in a public or private non-profit organization with the goal of improving employability. PSP placements must additionally provide a clearly defined public service. Examples of public service activities include court-ordered, unpaid work, as well as participation in other programs or placements that benefit the community. TANF and SNAP benefits are not considered in the calculation of public service hours. Public service assignments will in no case exceed 35 hours per week, with the exception of court-ordered assignments of greater length.
- **On-the-Job Training (OJT).** On-the-job training is training provided by an employer to a paid employee to help the employee become proficient on the job. A portion of the employee's wages are typically reimbursed to the employer. OJT includes paid on-the-job training offered through WIOA, paid college work study and internships, apprenticeship, and AmeriCorps placements in which the individual is paid a stipend to cover living expenses.
- **Vocational Education and Training.** Vocational education and training is training or education directly related to employment designed to prepare the participant for a specific trade, occupation, or vocation. It does not include advanced degree education. It does not include ABE, GED, or ESL. Examples of activities that can be classified as vocational education and training are technology, business, and health sciences programs leading to certificates, associate degrees, or baccalaureate degrees in such areas as HVAC repair (heating and air conditioning), information technology, medical equipment repair, accounting administration, medical assisting, and practical or registered nursing. Programs meeting the definition of vocational education and training are offered by a wide range of institutions including vocational-technical schools, community colleges, 4-year colleges, other post-secondary institutions, proprietary schools, and secondary schools offering vocational education.

- a. Participants will receive the enhanced earned income disregard only after they have entered the VIEW program and signed the Agreement of Personal Responsibility.
- b. A participant who obtains employment while in the VIEW program will receive the VIEW enhanced earned income disregard the month following the month of employment.
- c. Eligible TANF recipients (in ongoing TANF cases) who are employed prior to referral to VIEW should be treated as a priority referral and served as soon as possible so that they may begin to receive the enhanced disregard or be evaluated for eligibility for a VIEW Transitional Payment. The TANF recipient should be seen and the initial VIEW assessment completed prior to monthly VaCMS cut-off whenever possible to avoid potential issues with TANF Benefit Adjustment and the opening of the VTP.

D. SUBSIDIZED EMPLOYMENT - FULL EMPLOYMENT PROGRAM (FEP)

Subsidized employment is employment in which government funds are used to directly subsidize the participant's wages. Subsidized employment is designed to provide training while the participant works on the job.

The Full Employment Program is a work activity in which a participant is placed in a public or private sector job and is paid an hourly wage for the work done. The Department of Social Services will pay the employer a predetermined, fixed stipend **based on tiers and the number of hours a participant works** per month. TANF benefits **will be paid** to the participant during the time the employer is receiving a stipend except when the participant has not worked his scheduled hours for reasons beyond his control.

Tiers:

Tier I: Participant works 20 hours or more per week– employer will receive \$500

Tier II: Participant works 30 hours or more per week – employer will receive \$750

Tier III: Participant works 40 hours or more per week – employer will receive \$1000

1. The goal of FEP - The overarching goal of this work activity is for the employer to retain the participant at the completion of the training period. The placement should provide the participant the opportunity to gain work experience, develop job skills and enhance work place social skills. To increase the likelihood that the participant will be hired on a permanent basis for the job and to promote further FEP placements with the employer, the worker should make every effort necessary to insure that the participant's skills, abilities, and interests are a good match for the job description for the placement.
2. FEP Placements - VIEW participants who have been unsuccessful in obtaining unsubsidized employment by the first assessment following the initial job search activity will be screened for placement with a FEP employer. Participants who are referred to VIEW and have accrued months on the current 24-month VIEW participation may be immediately placed in FEP. VIEW participants in a FEP placement are required, at a minimum, to work a monthly average of at least 20 hours a week. VIEW participants in a FEP placement of 20 hours a week must also be assigned to 15 hours in another work activity. Each assignment to FEP will be for a period of six months.

3. **Suitable Placements - If the ESW does not have a suitable FEP or on-the-job training placement available, the participant will be immediately screened for placement in a suitable community work experience site.**

Suitable is defined as follows:

- a. **The worker has evaluated a good match between the participant's skills, abilities, and interests and the position description;**
 - b. The employer agrees to provide needed training to do the job; and
 - c. The net monthly wages (take home pay) estimated by the employer exceed the amount of monthly TANF benefits the participant was last paid. The ESW can obtain the most recent TANF payment amount by reviewing the participant's TANF payment history in VaCMS on the Issuance Summary/Search screen or by contacting the EW.
4. Criteria for the FEP Participant
- a. The participant must be able to perform the minimum requirements for entry into the job and be capable of performing the duties of the job with the provision of training by the employer at the end of the placement.
 - b. The supportive services needed by the participant can be provided.
 - c. The participant may participate in FEP more than one time but must not have been previously sanctioned while assigned to a FEP placement.
 - d. A participant cannot enter a FEP placement if she is in the process of being referred for a 2nd or 3rd sanction.

If the participant has been referred for a 1st sanction and a FEP placement is available and the participant signs the Full Employment Program Agreement prior to the effective date of the sanction, the 1st sanction can be avoided. For a participant in a first sanction, a participant may be referred for FEP participation. As long as the fixed period has been served, the FEP assignment is the verified act of compliance and the sanction may be lifted.
 - e. More than one participant may be screened and referred to an employer for an interview for the FEP positions.
 1. The ESW should complete the VIEW Referral to Work Site form (032-02- 0300) to be given to each referred participant to take to the job interview.
 2. After the employer indicates his selection on the participant's VIEW Referral to Work Site form (032-02-0300) and signs the Full Employment Program Agreement (032-02-0309) for the participant's placement, the participant is to be assigned to the FEP position on the Activity and Service Plan (032-02-0302) and in the ESP module. The ESW will give the participant the FEP Information Sheet (032-03-0441).
 3. The ESW will complete the Full Employment Program Communication Form (032-03-0655) and forward it to the EW as notification of a FEP

placement. This form is available on the intranet at <https://fusion.dss.virginia.gov/bp/BP-Home/TANF-and-VIEW/Forms> and can be completed online and emailed to the EW. The eligibility worker is responsible for updating VaCMS to pay the employer's stipend in place of the TANF payment as indicated on the Full Employment Program Communication Form (032-03-0655) from the ESW.

- f. If a participant does not attend the employer interview, the EW must contact the participant to determine if good cause for the missed interview exists. If the ESW determines from the contact that the participant did not have good cause for missing the interview, or if the ESW is unable to contact the client verbally, the ESW must take action to begin the sanction process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Sanction/ Termination (032-02-0307) or the Advance Notice of Proposed Action within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.
 - g. If a participant transfers to another locality, the FEP Agreement will be terminated.
5. Criteria for the FEP Employer
- a. FEP placements may be established in public or private sector employment.
 - b. The employer must offer employment of not less than 20 hours per week at minimum wage or greater. The position offered must meet the definition of a suitable placement, (see Suitable Placements at 1000.13, D.3). Wages paid to FEP participants must be the same rate as paid to other employees who perform the same work and who have similar experience and tenure.
 - c. The employer must pay Virginia Unemployment Insurance tax for its employees. FEP participants may qualify for unemployment benefits if not retained as a permanent employee. Eligibility for such benefits must be determined by the Virginia Employment Commission on an individual case basis. Former FEP participants not hired permanently should be encouraged to apply.
 - d. The employer must offer a position in conformity with Section 3304(a)(5) of the federal Unemployment Tax Act which requires the following:
 - 1. The job offered cannot be available as a result of a strike or labor dispute;
 - 2. The job cannot require the employee to join, nor prohibit the employee from joining, a labor organization;
 - 3. The FEP participant cannot be used to displace regular workers.
 - e. The employer must agree to pay the participant through his payroll system. The employer agrees to pay his share of the premiums for Social Security contributions, unemployment insurance, and worker's compensation related to the participant's wages.
 - f. The employer must sign a VIEW Full Employment Program Agreement (032-02-0309) for each participant she employs in a FEP placement. The Full Employment Agreement includes:

perform the same work;

4. Agree not to discriminate against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability.
- h. In addition to completing the VIEW Full Employment Agreement, the ESW will require the employer to fill out the Request for Taxpayer Identification Number and Certification Form (IRS Form W-9). File the completed form in the case record.

6. Payments to the Employer

The employer stipend is a reimbursement for participation in FEP. The stipend is issued for each month of FEP participation.

a. One payment is made to an employer.

1. Stipend - The employer stipend is a predetermined, fixed payment based on tiers and the number of hours a participant works per month. **For Tier I: Participant works 20 hours or more per week – employer will receive \$500; Tier II: Participant works 30 hours or more per week – employer will receive \$750; and Tier III: Participant works 40 hours or more per week – employer will receive \$1000.** FEP stipends are issued for six consecutive months, unless notified by the ESW to discontinue the payments. In no instance are stipends to be paid for more than six months.

The ESW is responsible for notifying the eligibility worker within 3 business days of making a FEP placement. Upon receipt of notification from the ESW that the participant has entered a FEP placement, the eligibility worker will complete the required VaCMS screens to stop the participant's TANF payments and start the employer's stipend payments as soon as administratively possible. The employer's stipend will be mailed on or about the first day of each month.

Using the Full Employment Program Communication Form (032-03-0655), the ESW must notify the EW when a FEP placement is made and when changes occur during the placement including the need to issue a replacement check to the employer **or** terminate the FEP placement.

b. Limitations on Payments to the Employer

1. No employer will be paid a stipend unless the local department of social services has a signed and completed VIEW Full Employment Agreement.
2. The employer will receive a stipend only when the participant was paid for at least 20 hours per week or an average of at least 20 hours for the number of full weeks the agreement was in effect during that month. The EW must be notified within 3 business days that the 20 hour minimum was not met.

7. FEP Participation

a. During the FEP participation, the individual would be limited to one FEP employer placement during the VIEW participation period.

b. The ESW will track participation by conducting a FEP follow-up by the fifth day of each month for the previous month. This is to be accomplished by contact with the employer to verify that the participant is satisfactorily continuing in the placement and is meeting the minimum requirements for the job, including working at least 20 hours per week or an average of at least 20 hours during a month.

The ESW should also discuss any concerns the employer may have regarding the participant's performance or attendance. Hours of participation will be verified by the employer's statement. In any case, monthly contact with the employer should be part of the follow-up process to insure that the employer's needs are being met, to maintain rapport with the employer, and to insure the likelihood of future FEP placements.

The employer contact may be written or verbal. In either case, the ESW must obtain the information requested on the VIEW Attendance/Performance Rating Sheet (032-02-0305). If the information is to be obtained in writing, the ESW may provide the employer with a six-month supply of the form at the time the FEP Agreement is signed. If the contact is verbal, the ESW should record the information obtained on the VIEW Attendance/Performance Rating Sheet.

If the employer recommends the termination of the Full Employment placement, the ESW will document the reasons in the contact log for the recommendation and determine if there are grounds for sanctioning the participant. If grounds for sanctioning do not exist, the ESW will reassign the participant to another work activity immediately. If grounds exist for sanctioning, the ESW must take action to begin the sanction process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Sanction/ Termination (032-02-0307) or the Advance Notice of Proposed Action within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.

c. VaCMS will automatically issue the stipend through month six unless cancelled by the EW. If the ESW determines that the employer was not entitled to the stipend received for the prior month, the ESW will inform the employer of his responsibility to return the check. The employer is ineligible for a stipend for any month in which the FEP participant did not work an average of at least 20 hours per week during the month. The stipend, or if the stipend check has been cashed, a check issued by the employer, should be sent to the Virginia Department of Social Services, Division of Financial Management, P. O. Box 606, Richmond, VA 23219-2901. (Note: This is the return address on state-issued checks.) If a check from the employer is used to repay the stipend, the employer should reference FEP, the participant's name, and the case number on the check. If the employer does not return the check, the local department of social services may pursue civil action through the city or county attorney's office.

- d. The participant may work additional hours beyond the number listed on the VIEW Full Employment Agreement (032-02-0309). Overtime hours can be required by the employer, but only to the extent that they are required of other employees with similar positions and experience.
- e. Whenever possible, FEP placements should begin at the first of the month. This will allow the FEP participant to receive maximum wages to prepare financially for the suspension of TANF benefits during the FEP placement. Under no circumstances can a placement begin during the last 11 days of the month due to notification requirements at 401.4. The TANF recipient must be provided with an advance notice of action that the TANF payment will be suspended due to the FEP placement. At a minimum, the participant must have worked at least one full week for at least 20 hours for the employer to qualify for a stipend.

For example, a participant's placement begins on April 19. The employer may qualify for a stipend for each placement month (April through September). Stipends are paid on or about the first day of the month following the month of participation, e.g., May through October in this example. If the participant does not work at least one full week for a minimum of 20 hours, the employer will not receive a stipend for participation in April.

- f. **FEP Assignments for TANF-UP Cases: Both parents in a TANF-UP case may be placed in FEP. Note: In a TANF household with two individuals enrolled in FEP, there is a possibility that the household might be considered as FEP for 12 or more consecutive months. The ESW will count the non-FEP income and disregard earned income from the FEP placement.**

Example: Mom is enrolled in FEP activity for 6 months then Dad is enrolled in FEP activity for another 6 months. Stipend will be given to the respective employers of Mom and/or Dad through the duration based on when Mom and Dad are enrolled in the FEP activity. Each individual can participate in FEP for up to 6 months. The FEP income will be disregarded for up to 6 months during their VIEW participation.

Example: A TANF-UP household consists of a Mom and Dad, who both participate in FEP; their 17-year-old child who is not enrolled in school but who is working full-time; and a 14 year old child enrolled in school. The 17 year old's earned income should be counted towards the TANF Benefit Determination and wages for Mom and Dad's FEP activities will be excluded.

8. FEP Employer Outreach

- a. VIEW case managers should work through existing employer networks (workforce investment boards, chambers of commerce, faith-based organizations, local business organizations, etc.) in order to locate employers who are interested in accepting a FEP placement. The ESW will schedule an interview with any employer who expresses an interest.**
- b. The ESW will explain FEP to the employer and the advantages of entering into a FEP agreement. In addition to the reimbursement to the employer, the ESW should discuss Work Opportunity Tax Credits, the supportive services VIEW offers to help the participant be successful on the job, and the case management services in place to support the participant's efforts.**
- c. The employer should complete a VIEW Work Site Position form (032-02-0306). The information obtained from this form will be used to screen participants for the FEP position(s).**