

Document: Proposed Rule

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TITLE 470 DIVISION OF FAMILY AND CHILDREN

Proposed Rule
LSA Document #01-173

DIGEST

Amends 470 IAC 10.1-1-2 to update the support services which will be reimbursed and the amount of reimbursement for those services to more accurately reflect current needs and costs. Supportive services are provided when necessary for an individual's participation in an employment or training activity pursuant to the IMPACT portion of the AFDC program. Effective 30 days after filing with secretary of state.

470 IAC 10.1-1-2

SECTION 1. 470 IAC 10.1-1-2 IS AMENDED TO READ AS FOLLOWS:

470 IAC 10.1-1-2 Applicant and recipient responsibilities

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) In addition to the requirements of 470 IAC 2.1-1-2, the requirements of this rule apply to the AFDC and AFDC-UP programs.

(b) The IMPACT program incorporates the employment and training program provisions at 45 CFR 250 (Job Opportunities and Basic Skills Training Program), including the following:

(1) Employment services, including the following:

- (A) Job search.
- (B) Job placement.
- (C) Job development.
- (D) On-the-job training.
- (E) Community work experience.
- (F) Other work program.

(2) Training activities, including the following:

- (A) Job skills assessment.
- (B) Adult basic education.
- (C) High school completion.
- (D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration. Educational placement is to emphasize vocational skills in a course of study which has the greatest degree of possibility for job placement immediately upon completion. Any educational placement must be consistent with the comprehensive assessment completed on the recipient.

(c) The IMPACT program shall be operational statewide.

(d) Except as provided in 45 CFR 250.30, all applicants for, and recipients of, AFDC and AFDC-UP must comply with the requirements of 45 CFR 250.30 and this section.

(e) Any individual exempt under 45 CFR 250.30 who is sixteen (16) years of age or older, and applying for or receiving AFDC or AFDC-UP in any of the ninety-two (92) counties may volunteer for the IMPACT program.

(f) All recipients of AFDC and AFDC-UP who are required to participate in the IMPACT program, and those who volunteer for

the IMPACT program, will be referred to IMPACT. IMPACT participants will be considered for placement in an appropriate employment or training activity with an emphasis on immediate job placement, which may be complemented by education or training, consistent with the comprehensive assessment of the recipient.

(g) The following actions constitute failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT:

- (1) Failure to attend an assessment interview.
- (2) Failure to go to a job interview.
- (3) Voluntary termination of employment without prior approval of the caseworker.
- (4) Refusal to accept employment.
- (5) Voluntary reduction of employment hours without the prior approval of the caseworker.
- (6) Refusal to cooperate with any employment or training agency whose services are included on an individual's employability plan.
- (7) Failure to attend seventy-five percent (75%) of the scheduled hours for any activity.
- (8) Termination of employment by the employer, because of disciplinary reasons, for example, firing for good cause.

(h) An individual's failure to cooperate or accept employment will result in a sanction that reduces the AFDC benefit for periods of time prescribed in 45 CFR 250.34. For the first failure, the sanction will continue until the failure to comply ceases or employment is accepted. For the second failure, the sanction will continue until the failure to comply ceases or three (3) months, whichever is longer. For any subsequent failure, the sanction will continue until the failure to comply ceases or six (6) months, whichever is longer. An individual's failure to cooperate is considered to have ceased when the participant accepts employment of at least thirty (30) hours at minimum wage or agrees to participate in the program by completing the assigned activity or attending the assigned activity for two (2) weeks, whichever is less.

(i) An individual may be temporarily excused from activities with good cause. Good cause for failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT shall be limited to the following reasons:

- (1) The individual is the parent or other caretaker relative personally providing care for a child under six (6) years of age, and the employment or training activity would require such individual to work more than twenty (20) hours per week.
- (2) Child or incapacitated adult care is necessary for an individual to participate in an employment or training activity, and such care is not available and the division is unable to provide the care that is needed.
- (3) The participant's employment would result in a net loss of income for the family as defined by 45 CFR 250.35.
- (4) The individual is ill as verified by a licensed medical professional.
- (5) Participation in an employment or training activity would interfere with the individual's unsubsidized employment of at least thirty (30) hours per week at minimum wage.
- (6) The requirements of the employment or training placement are beyond the physical or mental capabilities of the individual as determined by a licensed medical professional.
- (7) The conditions of the employment or training site violate applicable state or federal health and safety standards.
- (8) Wages received by or offered to the individual do not meet applicable federal minimum wage requirements or, if greater than the federal minimum wage rate, are less than the customary wages paid for that activity in the community.
- (9) The failure of the individual to participate occurred as a direct result of the individual's involvement in or remedy of a situation which presented an immediate risk to the health ~~or~~ **and** safety of the individual or others.
- (10) Participation has been determined inappropriate by a judge or licensed health care professional.
- (11) Work demands or conditions render continued employment unreasonable, such as working without being paid on schedule.

(j) Mandatory participants who fail to cooperate will be subject to the program penalties specified in 45 CFR 250.34.

(k) All IMPACT participants will be notified of their rights to a hearing when aggrieved by any action resulting from the IMPACT provisions in accordance with 45 CFR 205.10.

(l) Reimbursement is available to the extent indicated as follows for supportive services necessitated by the individual's participation in an employment or training activity:

Item or Services	Maximum Fee
Activity fees	\$50 \$750 per twelve (12) month period

Clothing/uniforms/shoes	\$100 \$600 per twelve (12) month period
Driver's Training	\$260 maximum (one-time expense)
Driver's license fee	\$10 per twelve (12) month period
Equipment and tools	\$500 per twelve (12) month period
Health, beauty, and personal needs	\$50 per twelve (12) month period
Licensure fees	\$100 per twelve (12) month period
Medical (if not covered by Medicaid)	\$500 per twelve (12) month period
Shoes	\$100 per twelve (12) month period
Transportation	\$200 \$300 per month maximum (\$0.15 per mile if client has a vehicle, or the actual cost of public transportation)
Uniforms	\$100 per twelve (12) month period
Union dues	\$150 for first quarter after obtaining employment
Vehicle repair expense	\$500 \$1,500 per twelve (12) month period
Weight control	\$300 per twelve (12) month period
Move to accept employment	\$500 (one-time expense)
Employment related expenses	\$1,250 per twelve (12) month period
Personal enhancement	\$500 per twelve (12) month period

(m) Each applicant and recipient shall be interviewed by the county office at the time of the initial investigation and at each semiannual reinvestigation of eligibility. The initial interview may be conducted in the county office, at a home visit, or at a community location designated by the county office. The semiannual interview may be conducted by telephone. A face-to-face interview must be conducted by the county office with the recipient at least every twelve (12) months.

(n) Each applicant and recipient shall participate in any interview or reinvestigation required under subsection (m). Each recipient shall be required to allow the county office caseworker to visit him or her in his or her place of residence during agency working hours at the time of each reinvestigation of eligibility. In the absence of valid reason for the recipient's refusal or unwillingness to allow said visit or participate in said interview or ~~investigation~~, **reinvestigation**, the entire assistance group shall be ineligible and the assistance group shall be discontinued. (*Division of Family and Children; 470 IAC 10.1-1-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1022, eff Apr 1, 1984; filed Aug 28, 1984, 10:58 a.m.: 7 IR 2521; filed Mar 7, 1985, 2:54 p.m.: 8 IR 798; filed May 23, 1986, 10:40 a.m.: 9 IR 2712; filed Aug 26, 1987, 11:00 a.m.: 11 IR 87; filed Aug 5, 1988, 2:10 p.m.: 11 IR 4098; filed Apr 5, 1990, 1:20 p.m.: 13 IR 1395; filed May 2, 1990, 5:00 p.m.: 13 IR 1709; filed Oct 3, 1990, 1:44 p.m.: 14 IR 272, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1808; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3080*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 24, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 6, Indianapolis, Indiana the Division of Family and Children will hold a public hearing on proposed amendments to update the support services which will be reimbursed and the amount of reimbursement for those services to more accurately reflect current needs and costs. Supportive services are provided when necessary for an individual's participation in an employment or training activity pursuant to the IMPACT portion of the AFDC program. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W392 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James Hmurovich
Director
Division of Family and Children