

1400 **PURPOSE AND ADMINISTRATION**

1400.05 **LEGAL PROVISIONS**

EFF: 10/2008

The Rhode Island Works Program (RIGL 40-5.2 et seq.) establishes the legal basis for a welfare to work program to assist needy families to prepare for, accept and retain employment with necessary supports, as quickly as possible, and is the law through which the Federal assistance program, Temporary Assistance for Needy Families, is available to families in Rhode Island who meet program eligibility criteria. The Department of Human Services is charged with the responsibility of setting forth the eligibility requirements established in law. All provisions of RIGL 40-5.2 et seq. shall be effective and apply to all applicants and recipients on or after July 1, 2008, except those described in Section 1406.50, Time Limits.

Cash assistance issued under the program is not transferable or assignable at law or in equity, and no benefits paid or payable shall be subject to execution levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

1400.10 **PURPOSE**

EFF: 10/2008

The purpose of the Rhode Island Works Program of the Department of Human Services (referred to as "the Agency") is to provide financial and employment assistance to eligible pregnant women and parents with children.

The program is administered in a manner consistent with the objectives of the program and respects the rights, privacy, and personal dignity of the individual. All applicants and recipients, without regard to race, color, national origin (Limited English Proficiency persons), age, sex, disability, religion, political beliefs, sexual orientation, gender identity or expression, have a right to apply, to confidentiality, to equitable and courteous treatment, to self determination, to receive the proper form of assistance, to receive, if eligible, an accurate unrestricted money payment and to an adjustment conference, and/or to a Fair Hearing.

An application consisting of the Application for Assistance - Part I (DHS-1) and the Statement of Need (DHS-2), completed by the applicant and filed with the Agency, is used to apply for assistance and initiates the application process. An interview with the applicant to review these forms is required. The applicant is also required to document the information so that the Agency can determine the applicant's eligibility or ineligibility. That determination encompasses all factors of eligibility, as set forth in the law and policy of the Agency, and includes a full exploration and computation of resources which can be made available to each person or family.

1400.15

SCOPE OF THE PROGRAM FOR FAMILIES

EFF: 10/2008

The purpose of the Rhode Island Works Program is to assist working families with children who have insufficient income to meet their needs for food, shelter, clothing, child care, and medical care and to provide families with parents who are unemployed with both financial assistance and employment assistance, so the adult member(s) of the family can enter or re-enter the workplace, with necessary supports, as quickly as possible. This shall include developing and implementing child support payment and enforcement, casework that includes employment planning and employment services, cash assistance, food stamps, child care subsidies and medical assistance for eligible children and families in need.

1. Cash assistance for eligible families: families in which there is an eligible child (see Section 1406) and whose resources are within program limits (see Section 1422), whose countable income is less than the cash payment amount are eligible for a cash assistance payment.
2. Child Care Assistance Program: (a) all families who are eligible for cash assistance and who require child care in order to meet the work requirements described in Sections 1412 and 1416 will be provided child care and (b) other families within income and resource limits and other requirements of the program detailed in section 0850 are eligible for subsidized child care for children under age thirteen (13), or for children between thirteen (13) and nineteen (19) years old who have a documented physical or mental disability which makes the child incapable of self-care. See Section 0850.
3. Medical Assistance: pregnant women and families with an eligible child or children may be eligible for Medical Assistance if their income and resources are within program limits. See Section 0348.
4. Food Stamps: families within program income and resource limits are eligible for food stamps. The Food Stamp Program is a federal program of the U.S. Department of Agriculture and is administered in Rhode Island by the Division of Individual and Family Support Services in the Department of Human Services. A household that has been determined eligible for Food Stamps receives benefits which augment the food purchasing power of the family. See the DHS Food Stamp Manual, Sections 1000 et seq.

1400.20

DEFINITIONS

REV: 10/2009

As used in this policy, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

"Applicant" means a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent caretaker relative.

"Assistance" means cash and any other benefits provided pursuant to this chapter.

"Assistance unit" means the assistance filing unit consisting of the group of persons, including the dependent child(ren), living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

"Benefits" shall mean assistance received pursuant to this chapter.

"Community service programs" means structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

"Department" means the Department of Human Services.

"Dependent child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is (A) under the age of eighteen (18), or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

"Director" means the Director of the Department of Human Services.

"Earned income" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

"Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.

"Education directly related to employment" means education, in the case of a participant who has not received a high school diploma or a certificate of high school equivalency, related to a specific occupation, job, or job offer.

"Family" means: (A) a pregnant woman from and including the seventh month of her pregnancy; or (B) a child and the following eligible persons living in the same household as the child: (A) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child,

and (B) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance Unit.

"Gross earnings" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes. (See "Earned Income.")

"Individual Employment Plan" means a written, individualized plan for employment developed jointly and signed by the applicant and the Department of Human Services that specifies the steps the participant shall take toward long-term economic independence developed in accordance with RIGL 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with section 40-5.2-10(e) of the RI General Laws.

"Job search and job readiness" mean the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

In accord with federal requirements, job search activities must be supervised by the Department of Labor and Training and must be reported to the Department of Human Services in accordance with TANF work verification requirements.

Except in the context of rehabilitation employment plans, job search and job readiness activities are limited to 4 consecutive weeks, or for a total of 6 weeks in a twelve-month period.

Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life skills training, homelessness services, domestic violence services, special services for families provided by Department of Children, Youth and Families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Nothing in this section shall be interpreted to mean that the Department of Labor and Training shall be the sole provider of job readiness activities described herein.

"Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

"Legal permanent resident" means those applicants/recipients who were lawfully admitted for permanent residence (LPR) in the United States (holders of green cards). This category also includes "Amerasian immigrants" as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988

"Net income" means the total gross income of the assistance unit less allowable disregards and deductions as described in RIGL 40-5.2-10(g) and code section 1424.

"Minor parent" may mean a parent under the age of 18, or under the age of 20. All unmarried parents with children, or women who are at least six (6) months pregnant, who are under 18, are minor parents, especially for the purposes of determining if a living arrangement is appropriate. All such pregnant women and parents must be referred to the Youth Success Program (YS) supportive services.

For the purposes of employment planning, any married or unmarried parent under the age of twenty (20) who has not obtained a high school diploma or GED certificate is a minor parent, for whom the first employment plan goal must be completion of high school or of a course of study leading to obtaining a general equivalency diploma. This planning also includes a mandatory referral for YS supportive services.

If a pregnant woman or parent has completed high school or a GED program before or while age 18, for work purposes that participant is an adult for employment planning and should be referred for activities just as any other RI works (adult) participant. A referral to YS is done to provide support, but compliance with the YS program is voluntary.

A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent. Further discussion of household composition, eligibility and work requirements is given in sections 1404.05, 1406.40.15, 1410.05.05, 1414.05, etc.

"On-the-job-training" means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work site sponsor, or other designee of the Department of Human Services on an ongoing basis.

"Participant" means a person who has been found eligible for assistance in accordance with RIGL 40-5.2 and who must comply with all requirements of this RI Works Program, and has entered into an individual employment plan. A participant may be a parent or non-parent caretaker relative included in the cash assistance payment.

"Recipient" means a person who has been found eligible and receives cash assistance in accordance with this code.

"Relative" means a parent, stepparent, grandparent, great grandparent, great-great grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

"Resident" means a person who maintains residence by his or her continuous physical presence in the state.

"Self-employment income" means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are

not considered business expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

"State" means the State of Rhode Island and Providence Plantations.

"Subsidized employment" means employment in the private or public sectors for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient. It includes work in which all or a portion of the wages paid to the recipient are provided to the employer either as a reimbursement for the extra costs of training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

"Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.

"Unsubsidized employment" means full- or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

"Vocational Educational Training" means organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised.

"Work experience" means a paid or unpaid work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the Department must supervise this activity.

"Work Supplementation" also known as "Grant Diversion" means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

"Work Activities" mean the specific work requirements which must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two parent families outlined in RIGL 40-5.2-12, and discussed in section 1416.