



**MFIP EMPLOYMENT SERVICES MANUAL
DESCRIPTION OF CHANGES ATTACHMENT
REVISED SECTIONS – ISSUED 01/2011**

1 (Table of Contents) Removed all references to an FSS EP in Chapter 7. Added new section to Chapter 6: Chapter 6.6 Employability Measure.

2.6 (Work Force Attachment Model) changed earned income disregard from 39% to 37%.

3.3 (Glossary: A...) removed underline from the word ADA.

3.9 (Glossary: C...) removed the words “not counted” from the definition of COUNTED ACTIVITIES and replaced them with the words “other allowable activities”.

3.15 (Glossary: E...) updated the cross references listed in the EMPLOYMENT PLAN definition. Added the definition of EMPLOYABILITY MEASURE to the glossary in this section.

3.18 (Glossary: F...) Removed cross reference in the definitions of FAMILY VIOLENCE and FAMILY VIOLENCE WAIVER OPTION regarding FSS EP.

3.24 (Glossary: H-K...) Added the definition of the HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA).

3.33 (Glossary: O-Q...) Removed reference to FSS EP in the definition of “Person Trained In Domestic Violence.”

4.3.3 (Client Rights) Removed cross reference regarding FSS EP in last bulleted item under “At application for MFIP, at recertification, and on request, financial workers must inform clients of the following rights”.

4.3.6 (Clients Rights – Civil Rights) Updated form name “Employment Services - Rights & Responsibilities (DHS-3172) to Employment Services – Responsibilities, Rights and Consent (DHS-3172).

4.3.9 (Civil Rights and the Americans with Disabilities Act) Updated the following sentence to say: “For many individuals, they will meet the eligibility criteria for Family Stabilization Services (FSS) and an employment plan for FSS participants must be developed based on the participant’s individual circumstances.” Instead of saying “For many individuals, they will meet the eligibility criteria for Family Stabilization Services (FSS) and an FSS employment plan must be developed based on the participants individual circumstances.”

4.3.15 (Client Rights – Data Privacy) Removed hyperlink to Minnesota Statutes 13.46 and added information on the Health Insurance Portability and Accountability Act (HIPAA).

4.12 (Treatment of Income) In first bullet under “INITIAL INCOME TEST,” updated earned income disregard from 39% to 37% and updated earned income disregard in first bullet under “MONTHLY INCOME TEST” from 39% to 37%.

4.18 (Work Incentives) Updated both references to the earned income disregard from 39% to 37%.

4.30 (Actual Budgeting) Updated the standards effective date from 10-1-08 to 10-1-09 and updated the “examples” with the 10-1-09 standards. Removed the words “or a monthly co-payment fee of \$5.00.” from the second paragraph under “CHILD CARE CO-PAYMENTS” section. Updated child care bulletin from #07-68-07 to #10-68-14 as well as the new name of this bulletin.

4.36 (Case Transfer Policy) Removed the words “The departing county within 7 working days” in the third step and then combined the sentences into one. Changed the acronym in #6 from HIPPA to HIPAA.

5.3 (Orientation to Financial Assistance) Removed reference to FSS EP. Removed hyperlink to DHS form.

5.6 (Timing for Employment Services) Removed reference to “FSS EP” in the Victims of Family Violence section and changed it to say “Employment Plan (EP) for FSS Participants”

5.9 (Referring Participants to ES/Choice of Providers) Removed the words “With the exception of Hennepin County” in the second paragraph, sentence now starts with the word “All”. Removed the following sentence “Employment Services Providers in Hennepin County should follow instructions for processing referrals on the TEAMS system” located under the second set of bullets.

5.12 (Employment Services Overview) Removed the cross reference to FSS employment plans in the “REQUIREMENT TO ATTEND THE OVERVIEW” section and in the “child care resources and referral bullet” and in the “Family violence referral information” bullet. Updated form name “Employment Services - Rights and Responsibilities (DHS-3172) to Employment Services – Responsibilities, Rights and Consent (DHS-3172) in the “Rights, responsibilities, and obligations of participants” bullet.

5.15 (Requirements and Sequence of Services) Removed reference to FSS EP’s.

6.3 (Assessment) Removed the following sentences from the first paragraph “The assessment process begins at the first meeting between the participant and a job counselor, and continues throughout participation in Employment Services. This information serves as the basis for the initial Employment Plans, as well as updates and revisions” then created a new paragraph in this area. Removed FSS EP in the “FSS Participants” section and replaced

it with “an EP for FSS participants,”. Added new cross section reference §6.6 Employability Measure.

6.3.3 (Contents of an Assessment) In second bullet, removed cross reference regarding FSS EP. Removed the * note at the end of section or “ * These areas are also found in the assessment tool called the Employability Measure that is currently being used by ES agencies that participated in the pilot that tested this measure. Including these areas in your comprehensive assessment will provide a smoother transition when all agencies start using this tool. To learn more about the Employability Measure, see Employability Measure Pilot Study Final Report (DHS-4966).” As well as all “*”.

6.3.9 (Requirements for Teen Parents) Removed hyperlink to Minnesota Statutes Section 257.33. Removed cross reference regarding FSS EP in “18- & 19-YEAR OLD CAREGIVERS WHO CHOOSE A WORK OPTION” section. Removed the word “new” in the 4th paragraph under “18- & 19-YEAR OLD PARENTS”. Added the following reference under the Study Time section See §9.33 (Education/Training Documentation & Verification).

6.3.24 (Intervention Documentation & Plans) Removed the words “and FSS Employment Plans” from the second paragraph.

6.6 (Employability Measure) New section in manual created and contains information on the Employability Measure.

7.3 (Employment Plan (EP) & FSS EP) Renamed this section “Employment Plan (EP)” instead of Employment Plan (EP) & FSS EP. Removed the word “Both” and the reference to Family Stabilization Services (FSS) EP in first sentence. Removed the following sentence in the first paragraph “For FSS EPs specifically, the purpose can also be family stability or barrier reduction.” Removed the word “Both” at the beginning of the second paragraph. Added the following EP sections and their hyperlinks: Child Care or Transportation (DHS-4209H), Health (DHS-4209I), Housing (DHS- 4209J), Personal/Family Activity (DHS-4209K), Legal Issues (DHS-4209L) and County/State Social Services (DHS-4209M). Removed the following EP sections: Other Goals and Activities MFIP/DWP Employment Plan (DHS-4209F), Referrals & Support Services MFIP/DWP Employment Plan (DHS-4209G). Removed all references to FSS EP’s. Removed sections “WHEN TO DO AN FSS EP” and “CONTENTS OF THE FSS EP”.

7.3.6 (Functions of the EP and FSS EP) Removed the words “and FSS EP” from chapter/section name. Updated first sentence in section to now say “The functions of an employment plan are:” instead of “The functions of both the employment plan and the Family Stabilization Services (FSS) employment plan are:”

7.3.9 (Goals in the EP and FSS EP) Removed the words “and FSS EP” from chapter/section name. Removed reference to FSS EP and replaced it with “EP for Family Stabilization Services (FSS) Participant”.

7.9.3 (Order of Preference for Allowable Activities) Removed reference of an FSS EP and replaced it with “Employment Plan for FSS Participants”.

7.6 (Minimum Hourly Activity Requirements) Removed cross reference to FSS EP’s in the first paragraph. Removed the reference to FSS EP’s in the section titled “EP FOR VICTIMS OF FAMILY VIOLENCE”. Changed section title “FSS EMPLOYMENT PLAN” to “EMPLOYMENT PLAN FOR FSS PARTICIPANTS”. Removed the word “the” and “plan” in the first sentence under “EMPLOYMENT PLAN FOR FSS PARTICIPANTS”. Added the words “in the EP”.

7.12 (Plan for Victims of Family Violence) Removed the words “modified Employment Plan (EP) or Family Stabilization Services (FSS)” from the first paragraph. Updated section title from “DEVELOPING A MODIFIED EMPLOYMENT PLAN OR FSS EP” to “DEVELOPING A PLAN FOR VICTIMS OF FAMILY VIOLENCE”. Removed the words “modified EP or FSS EP or” from the following sentence “The modified EP or FSS EP or a participant with an approved Family Violence Waiver (FVW) must be developed, or revised, with:” and added the word “for”. Removed the words “or FSS EP” from the first sentence under the section “EXEMPTION FROM 60-MONTH TIME LIMIT”. Removed the word “MODIFIED” from the section title “REVISING/REVIEWING A MODIFIED EMPLOYMENT PLAN” and added the letter “N” to the letter “A”. Updated section title from “FAILURE TO COMPLY WITH A MODIFIED EMPLOYMENT” to “FAILURE TO COMPLY WITH AN FVW”.

7.18.3 (FSS EP or EP for Participants with a Disability) Removed reference to “FSS EP”.

7.33 (Monitoring Self-Employment) Added the following new text to section “Self-employment activities may be included in an employment plan contingent on the development of a business plan which establishes a timetable and earning goals that will result in the participant exiting MFIP assistance. Business plans must be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor. Participants with an approved plan that includes self-employment must meet the participation requirements. Only hours where the participant earns at least minimum wage will be counted toward the requirement. Additional activities and hours necessary to meet the participation requirements must be included in the employment plan.” And “Participants who fail, without good cause, to make satisfactory progress as established in the business plan must revise the employment plan to replace the self-employment with other approved work activities.”

8.6 (Self-Employment) Added the following text under the Business Plans section: The Standard Self Employment Business Plan (SEBP) was developed based on research on self-employment business plans and in consult with professionals, who have expertise in small business, therefore meets the requirement to seek assistance from an expert in small businesses. If the DHS SEBP is not used, MFIP/DWP participants must seek assistance from

an individual or organization with expertise in small businesses as approved by the job counselor.

The SEBP can only be used for the following types of employment:	
<ul style="list-style-type: none">• In home product sales (Avon, jewelry, etc.)• Personal services (hairdresser, massage, nail care)• Day care in the home• Handyman services• Accounting services	<ul style="list-style-type: none">• Paper route• Housecleaning service• Taxi driver• Miscellaneous services

Removed the reference to FSS EP's. Updated all links found in the section on ORGANIZATIONS THAT WORK WITH SMALL BUSINESS OWENERS. Added the following paragraph: "Business Plans are not intended to replace the need for an Employment Plan. The Business plan must be used in conjunction with the Employment Plan which is required for all MFIP/DWP participants §7.3 (Employment Plan (EP))."

9.9 (Unpaid Employment Documentation & Verification) Removed the word TEAMS from the section Tracking Unpaid Work Hours (WF1).

9.12 (Job Search Activities) Removed reference to FSS EP. Removed all hyperlinks to forms.

9.24 (Basic Education or GED) Removed the word TEAMS from the High School Completion and GED Classes section.

9.33 (Education/Training Documentation & Verification) Removed the definition of **Study Time** "Count only the study time hours that have been verified by the course instructor which indicates the amount of study time that is required or advised in order to make satisfactory progress or to complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor." and replaced it with the following definition "In order to count any hours of study time, the employment services provider must receive a statement from the Vocational Educational Training provider or course instructor (including baccalaureate and advanced degree education programs) which specifies the amount of study time that is required or advised in order to make satisfactory progress or complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. The

amount of study time that is accepted by the employment provider must be documented on the activity log or in a case note.”

9.39 (Social Services Activities) Added the words “Other Allowable” to the Assessment section title, Screening section title and Participating in Social Services section title and removed the words “Not Countable” from both titles. Added the following text to the Assessment section: Also track as assessment when the participant is involved or engaged in an assessment related activity, including activities associated with: **Initial assessment:** Orientation and overviews; Employability Measure; and Employment Plan Development **Formal assessment:** Educational assessments; Vocational assessments; Psychological assessments; and Medical assessments **Continuous assessment:** Periodic check-ins (non JS related); Updating Employment Plans; Retention Services; Crisis Management; and Avoiding/Curing sanctions. Removed the following section: **EMPLOYMENT PLAN FOR FAMILY VIOLENCE WAIVER (Not Countable Activity)** This activity includes the process where victims of family violence develop and utilize a plan to ensure the safety of herself/himself and his/her children. The plan should also include activities designed to lead to self-sufficiency, provided they do not endanger the participant or the children. **NOTE:** Open the identifier “family violence waiver” indicating that the person has an individualized plan due to a family violence waiver. Track hours using the applicable categories (job search, part time employment, etc.). For activities related to safety and supporting the safety plan, those hours should be tracked in “participating in social services” as it will be added to the FSS chapter. Removed the sentences “No hours are tracked in this activity on Workforce One (WF1). Open and close the activity on the day these screening tools are administered to indicate that the screening has been done.” from the Screening section.

9.42 (Social Services Documentation & Verification) Added the word “is” to the first sentence in Example 1. Changed the words “FSS Employment Plan” to now say “Employment Plan for FSS participants” in Example 1. Removed the word “FSS” from the last sentence in Example 1. Changed the wording in Example 2 to say “Employment plan for FSS participants” instead of “FSS Employment Plan.”

9.45 (Holding & Other Activities) Updated all the (Not Countable Activity) sections to now say (Other Allowable Activity).

9.45.3 (Holding & Other Activities Documentation & Verification) Added the following sentence to the first bullet point: “If appropriate open identifier to indicate reason for use of Holding activity. Updated third bullet with a small “o” in the word “Other” and added the following sentence “If appropriate open identifier to further identify Other activity. Removed the last bullet on the Integrated Services project.

9.51 (Identifiers) Removed the Integrated Services Project and 12-Week Exception identifiers. Added the following new identifiers: **Child Under 12 Months Exemption** - Use this identifier when the participant is using the child under 12 month exemption. This will

primarily be used with the “Holding” activity. **Housing** – Use this identifier when the participant is homeless and their employment plan includes looking for housing. Use in

conjunction with the “Other” activity. **Supported Work** – Use this identifier for a participant who is in a supported work position.

9.6 (Injury Protection Program) Added the following words to the first paragraph “by the commissioner of DHS”. Removed links to all forms and Minnesota Statutes. Rewrote last sentence in the Investigation of the Claim section – it now says “Claims should not be submitted to the Department of Human Services until the treatment has been completed and all bills associated with the work related injury have been received.” and before it said “Claims should not be submitted to the Department of Human Services until all bills associated with the work related injury have been received and treatment for the injury has been completed. Added the following words “For Permanent Partial Disability Compensation” to the title “Submission of Claim”

10.3 (MFIP Child Care) Updated Bulletin number 07-68-07 to 10-68-14 that is referenced in the “Note” section.

10.3.12 (Allowable Child Care Expenses) Added the following information: Employment Plan for Family Stabilization Participants **NOTE:** Child care expenses associated with these activities in the employment plan are allowable. These activities could include chemical and mental health assessment (includes learning disabilities), physical health appointment, counseling and treatment, or related support groups and continuation of care activities.

10.3.28 (Child Care for Medical Restrictions in the EP) Removed reference to FSS EP.

11.6 (FSS Eligibility Criteria) Changed all references to an “FSS Employment Plan” to now say “Employment Plan for FSS participants” throughout entire section. Changed the word “this” to “these” in the following sentence under the Learning Disabled section: “Statements from qualified professionals submitted for purposes of determining eligibility for these criteria must include verification that:”

11.12 (FSS Communication & Contact Requirements) Removed reference to FSS EP.

11.15 (FSS Case Management Model) Removed the word “FSS” in bullet 2, 4 and 6.

11.18 (FSS Sanction Provisions) Removed reference to FSS EP and changed wording to say “EP for FSS Participant”.

13.3 (60-Month Lifetime Limit) Removed references to the FSS EP section throughout section.

13.6 (Transition Period – 48 to 60 Months) Changed the word “Before” to be “before” in the following section “(180 to 60 Days Before MFIP Closes)” located on page 343.

13.15 (Hardship Extensions) Removed all references to an “FSS employment plan.”

13.15.3 (Ill/Incapacitated Extensions) Added information to contact: the Office of the Ombudsmen for State Managed Health Care Programs at 651-431-2660 or 1-800-657-3729. Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.15.6 (Ill/Injured/Incapacitated Extension Criteria) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.15.9 (Special Medical Criteria Extension) Removed reference to Bulletin #07-53-04.

13.15.12 (Needed in the Home Extension Criteria) Removed the following note: NOTE: Receipt of SSI does not result in an automatic extension. Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.18 (Hard to Employ Extensions) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.18.3 (Mental Retardation/Mental Illness Extension Criteria) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.” Removed all links to Minnesota Statutes. Removed the sentence “Substantial functional limitations means the long-term inability to significantly perform an activity or task.” located at the end of the Determination of Mental Retardation section.

13.18.6 (Learning Disabled Extension Criteria) 1st paragraph of section is now three paragraphs. Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.18.9 (IQ Below 80 Extension Criteria) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.” Changed spelling on the word “psychometrists” to “psychometrics” Added an “a” before the words “licensed psychologists in the second bullet.

13.18.12 (Unemployable Extension Criteria) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

13.18.15 (Family Violence Extension Criteria) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.”

14.3 (Non-Compliance) Removed reference to FSS EP.

14.3.3 (Pre 60-Month Type/Length of ES Sanctions) Added the word “both” in second paragraph. Removed the following sentence: “Use a sanction tracking sheet to count occurrences and contact the financial worker if there is a discrepancy.” And replaced it with “Refer to the DHS Information Exchange/MAXIS summary page located on the DHS-IX tab in Workforce One for sanction count occurrences and contact the financial worker immediately if there is a discrepancy.” Removed words “(Off Welfare).” in fifth paragraph. Under the first bullet, changed the sentence from “The financial worker reduces the family's grant by 10% of the Transitional Standard or Shared Household Standard, whichever applies for the family's size.” to now say “The financial worker reduces the family's grant by 10% of the MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant.” The example under the 1st occurrence of sanction has been changed. The “For The 2nd Through The 6th Occurrence of Non-Compliance” section has been completely changed around and is in different order. Most of the language is still the same except for the parts in red. Removed the words “for up to 1 month.” In the first paragraph under “7th Occurrence of Non-Compliance” Also added the paragraph/sentence: The Employment Services Provider must attempt a face-to-face meeting prior to case closure, see §14.24 (Case Review Requirements for Occurrences of Sanctions). Paragraphs were also moved around in the 7th Occurrence of Non-Compliance section. The following sentence was also added to this section: “When an MFIP case is closed 100% in MAXIS, a status update will come across the WF1 interface notifying the ES worker that the case is closed and the closure reason.” The Regaining Eligibility section paragraphs were also moved around and actual text changes are in red. Under the Dual Sanctions of Non-Compliance section, the first paragraph was changed from: “Sanctions are imposed as follows for participants who refuse to comply with child support requirements AND have a concurrent sanction for failure to attend orientation, or to develop or to comply with their Employment Plan” to “Sanctions are imposed, as follows, for participants who do not comply with child support requirements AND have a concurrent sanction for failure to attend orientation, or to develop or to comply with their Employment Plan:” actual word changes are in red. Number 1 in this section has also been changed from “If the child support non-compliance and other program non-compliance occur in the SAME month, reduce the Transitional Standard or Shared Household Standard and MFIP food portion, whichever applies, by 30% for the 1st month, then vendor pay shelter costs (and utilities, if applicable) for the 2nd month.” to now say “If a child support non-compliance and another program non-compliance occur in the SAME month, the financial worker will reduce the family’s grant by 30% of the MFIP standard of need for the 1st month, and then will vendor pay shelter costs (and utilities, if applicable) for the 2nd month.” with actual word changes in red. Removed the following note section: “**NOTE:** Participants with an approved family violence waiver who are sanctioned for noncompliance with Employment Services requirements lose the waiver and the 60-month time clock resumes ticking.”

14.9 (Sanction Provisions for FSS) Removed reference to FSS EP.

14.15 (Notifying the Participant) Removed example in this section.

14.21 (Removal of a Sanction) Removed the following words from the second paragraph: “by phone and follow the telephone notification” Removed link to the Status Update form.

14.30 (Post 60-Month ES Sanctions – General Provisions) Removed all references to an “FSS employment plan” and replaced it with “Employment Plan for FSS participants.” Removed link to the NOITS form.

16.3 (TANF Participation Rate) Removed reference to FSS EP.

Appendix A (MFIP Assistance Standards) – Fixed left justification in section and moved tables so that they were not separated by a page break.

Appendix B (DHS Forms) Removed all links. Updated section names of the Employment Plan form with the following: MFIP/DWP Employment Plan (DHS-4209), Employment (DHS-4209A), Job Search Requirements (DHS-4209B), Unpaid Work Activities (DHS-4209C), Education (DHS-4209D), Family Safety (DHS-4209E), Child Care or Transportation (DHS-4209H), Health (DHS-4209I), Housing (DHS-4209J), Personal/Family Activity (DHS-4209K), Legal Issues (DHS-4209L), County/State Social Services (DHS-4209M), and removed the following sections: Other Goals and Activities MFIP/DWP Employment Plan (DHS-4209F) and Referrals & Support Services MFIP/DWP Employment Plan (DHS-4209G).

Appendix E (MFIP Activity Table) Removed the following language from the Job Search and Job Readiness Assistance section under the “Verification of a Job Contact”: “**NOTE:** When the activity log contains a statement such as...” By signing this activity log I am verifying at least one of the job contacts contained on the activity log” no additional documentation is needed to meet the verification of a job contact requirement.” Removed link to Minnesota Statute and to all forms. Spaced tables apart for readability.

Appendix F (Regional Teams/Contact Lists for MFIP & DWP) Removed Linda Foster’s name and contact information from this list.

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WORK FORCE ATTACHMENT MODEL

2.6

MFIP is designed to encourage and enable early work force attachment for participants in order to build job skills, experience, and work history. This approach has been shown to be effective in increasing earnings and income while promoting self-esteem and independence for participant families.

MFIP encourages participant employment by vigorously promoting the financial, social, and psychological advantages of employment. Financial workers, job counselors, managers, and support staff should encourage work by:

- Delivering a strong and consistent message about the 60-month time limit for MFIP and the importance of work.
- Providing easy access to materials and equipment that facilitate job search and promote positive work messages by means of posters and displays of success stories.

The core methods for getting participants to work are setting clear work expectations, and providing encouragement and support for participants as they obtain and retain employment. This encouragement and support should be system-wide; that is, provided by professional job counselors and reinforced by financial, child care, and child support workers. When necessary, sanctions are applied if participants refuse to cooperate with the program. See Chapter 14 (Non-Compliance & Sanctions).

MFIP enables participants to work by supporting program activities with child care funding and health care coverage, both of which can extend through the period where families are off MFIP but not yet at a level of full self-support. These supports are available for up to 1 year after a participant becomes ineligible for a grant because of increased earnings, child/spousal support, or a combination of earnings and child/spousal support. Transitional Year Child Care (TYCC) funding is available for up to 1 year for families that meet the income guidelines. Families that still meet the income guidelines at the end of the transition year are eligible for Basic Sliding Fee Child Care Assistance.

Grants for working families are calculated from a higher standard than those for families that do not work. An ongoing disregard of 37% of earned income helps to cover work-related expenses and increases net income. Federal and state tax credits are also available. The result of these MFIP policies is that **WORK ALWAYS PAYS**; participants are always financially better off working. See Chapter 4 (**General MFIP Policy**) for additional information on MFIP policies and budgeting.

ADA:

Americans with Disabilities Act.

AFDC :

AID TO FAMILIES WITH DEPENDENT CHILDREN.

AFFIDAVIT :

A written declaration made under oath before a notary public or other authorized officer.

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) :

The program authorized to provide financial assistance and social services to needy families with a minor child. The Personal Responsibility and Work Opportunity and Reconciliation Act (PRWORA) replaced AFDC with a block grant called Temporary Assistance for Needy Families Grant (TANF). In Minnesota, AFDC was replaced by the MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP). See MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP) in §3.30 (Glossary: M-N...).

ALIMONY :

An allowance for support that a court orders a person to pay to his or her SPOUSE.

AMERICORPS :

The NATIONAL AND COMMUNITY SERVICES TRUST ACT of 1993 amended the NATIONAL AND COMMUNITY ACT of 1990 and established a CORPORATION FOR NATIONAL AND COMMUNITY SERVICE. This Corporation merged the work and staff of two predecessor agencies, ACTION and the Commission on National and Community Service and administers national service programs that include three AmeriCorps programs among others:

- AmeriCorps State and AmeriCorps National (together these two programs are also known as AmeriCorps USA) support a broad range of local service programs that engage thousands of Americans, age 17 years and older, in intensive service to meet critical community needs.
- AmeriCorps VISTA (formerly known as VISTA) provides full-time members, in the age groups 18 years and older, to community organizations and public agencies to create and expand programs that build capacity and help bring low-income individuals and communities out of poverty.

-
- AmeriCorps NCCC (AmeriCorps National Civilian Community Corps) is a full-time residential program for men and women, ages 18-24, that strengthens communities while developing leaders through direct, team-based national and community service.

In addition to a stipend/living allowance and an educational award, payments to AmeriCorps participants may include child care allowance if needed to participate in the program, health insurance if not otherwise available, and reasonable accommodations, supplies and services for individuals with disabilities. As an alternative to the AmeriCorps Education Award, members may choose to take a post-service cash stipend instead.

APPEAL :

A CLIENT's or authorized representative's request to the State of Minnesota appeals referee for review of a county agency's action or inaction.

APPLICANT :

A person who has submitted a request for assistance for whom no decision has been made regarding eligibility, and whose application has not been acted upon or voluntarily withdrawn.

APPLICATION :

A request for assistance made by submitting a signed and dated page **number 1** of the [Combined Application Form \(CAF\)](#).

ASSET LIMIT :

The maximum amount of net counted assets clients may own or have available and remain eligible for MFIP.

ASSETS :

Real property and personal property owned wholly or in part by the client.

ASSISTANCE PAYMENT :

Assistance received from the MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP), General Assistance (GA), Minnesota Supplemental Aid (MSA), Refugee Cash Assistance (RCA), and emergency cash programs.

ASSISTANCE STANDARD :

An amount set under Minnesota Statutes to provide for an ASSISTANCE UNIT's shelter, food, fuel, clothing, utilities, household supplies, and personal expenses. See FAMILY WAGE LEVEL in §3.18 (Glossary: F...), TRANSITIONAL STANDARD in §3.42 (Glossary: T-Z...). Also see MFIP Assistance Standards in Appendix A (MFIP Assistance Standards).

ASSISTANCE UNIT :

A group of people receiving or applying for benefits together.

ATTEMPT TO MEET :

The county or job counselor contacts the participant in writing and by telephone, if a telephone number is available, about the proposed time and place for the face-to-face meeting. Counties further defined guidelines for attempting to meet in their local service unit plan. The Department of Human Services recommends that counties attempt a face-to-face meeting up to 3 times.

CALENDAR MONTH :

A period that begins with the 1st day of the month and ends with the last day of the month.

CAREGIVER :

A person who provides care and support to a MINOR CHILD. The person may or may not receive benefits. For example, a grandparent may care for a child but not receive MFIP with the child.

CASE MANAGER :

A county-designated staff person or employment services counselor.

CASE MANAGEMENT :

Services provided by or through the county agency or an employment services agency to participating families, including assessment, information, referrals and assistance in the preparation and implementation of a Family Stabilization Plan. For the definition of FAMILY STABILIZATION PLAN, see §3.18 (Glossary : F...).

CASH ASSISTANCE :

Assistance received from 1 of the cash programs, excluding the food portion of an MFIP grant.

CHILD :

See MINOR CHILD in §3.30 (Glossary: M-N...).

CHILD CARE SUPPORT :

A court-ordered payment by a non-custodial parent for a portion of the child care costs incurred by the custodial parent.

CHILD SUPPORT :

A voluntary or court-ordered payment by non-custodial parents for the support of their children.

CITIZENSHIP :

The status of being a native born or naturalized citizen of the United States.

CLIENT :

A person who is an APPLICANT or PARTICIPANT.

COMMUNITY WORK EXPERIENCE PROGRAM (CWEP) :

A county agency implemented program that helps MFIP participants gain employment experience in a actual work setting, by placing them in temporary, non-paid positions with public or private not-for-profit employers.

COMMUNITY SERVICE PROGRAMS :

Structured programs in which TANF recipients perform work for the direct benefit of the community under the auspice of public or non profit organizations.

CONCILIATION CONFERENCE :

An informal meeting offered to the caregiver by the EMPLOYMENT SERVICES PROVIDER or county agency to resolve Employment Services-related non-compliance issues. This opportunity is also offered to a minor caregiver to resolve non-compliance issues related to education requirements.

CONSOLIDATED FUND :

A combination of state and federal dollars the state allocates to counties and tribes to administer Welfare Reform. Counties and tribes have the flexibility to use these funds to develop local programs and services designed to improve MFIP participant outcomes. These programs and services may include Employment Services, social services and emergency funds, as well as others with the goal of improving the economic stability of MFIP participants. Services may also be provided to families whose incomes are under 200% of [Federal Poverty Guidelines \(FPG\)](#), and to non-custodial parents of a child receiving MFIP. See §16.3 (TANF Participation Rate).

COUNTED ACTIVITIES :

Activities that count toward the work participation rate. These activities are divided into core, non-core, and **other allowable activities**. For more information, see §7.9 (Allowable Activities), §16.3 (TANF Participation Rate).

COUNTED EARNINGS :

The earned income that remains after applicable disregards have been subtracted from gross earned income.

COUNTY AGENCY :

The local human services office.

EARNED INCOME :

Cash or in-kind income earned in the form of salaries, wages, commissions, profit from employment activities, net profit from self-employment, payments made by an employer for regularly accrued vacation or sick leave, and any other profit earned through effort or labor. The income must be in return for or as a result of legal activity.

EARNED INCOME CREDIT (EIC) :

A federal refundable tax credit for low or moderate income working individuals and families. People may receive an EIC once a year as a refund. Working families with children can apply for advance payments with each paycheck.

EARNED INCOME DISREGARD :

An employment incentive. The exclusion of a portion of EARNED INCOME in determining eligibility and benefits.

ELIGIBILITY FACTORS :

Conditions and standards an applicant or participant must satisfy to be eligible for benefits.

EMANCIPATED MINOR :

A person under the age of 18 who is or was married, is on active duty in the uniformed services, or has been declared emancipated by a court.

EMPLOYMENT PLAN :

A plan developed by the job counselor and the participant which includes the participant's overall employment goal, activities necessary to reach that goal, and a time line for each activity. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence).

EMPLOYMENT SERVICES :

See MFIP EMPLOYMENT SERVICES (MFIP-ES) in §3.30 (Glossary: M-N...).

EMPLOYMENT SERVICES PROVIDER (ESP) :

An agency or organization that operates under formal agreement with the COUNTY AGENCY to provide Employment Services to certain clients on behalf of the COUNTY AGENCY. In some instances, the ESP is another unit of the county.

EMPLOYABILITY MEASURE :

A screening tool used to measure a participant's status in eleven areas of life

functioning that has been shown to be related to getting and keeping a job. See §6.6 (Employability Measure)

ENGLISH AS A SECOND LANGUAGE (ESL) :

English language program designed for non-English speaking people.

EXEMPT MONTHS :

Months that were not counted toward the 60-month time limit.

EXTENSION :

Allows families to receive additional months of MFIP beyond 60 months if certain criteria are met. See §13.15 (Hardship Extensions).

FAIR HEARING :

A hearing conducted by the DHS Appeals Office to decide disagreements concerning eligibility determinations and benefit amount.

FAIR LABOR STANDARDS ACT (FSLA):

All work experience participants are considered employees under the FSLA. Participant would not be required to participate in unpaid work experience more hours than the monthly MFIP cash assistance amount plus the monthly food support amount divided by the federal minimum wage. See §9.3 (Unpaid Employment Activities) for more information on the FAIR LABOR STANDARDS ACT (FSLA).

FAMILY :

The following people who live together: a minor child or group of minor children related to each other as siblings, half-siblings, step-siblings, or adopted siblings; together with their natural, step, or adoptive parents or their caregiver; or a pregnant woman with no other children.

FAMILY STABILIZATION SERVICES :

A state funded service track in MFIP/DWP. Participants are not included in the TANF work participation calculation and services are provided through a case management model. See Chapter 11 (FAMILY STABILIZATION SERVICES (FSS)).

FAMILY VIOLENCE :

An act or a combination of acts such as: physical harm, bodily injury or assault, the infliction of fear of imminent physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct committed against or committed by a family or household member. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option).

For family violence purposes, family or household members are:

- Spouses and former spouses.
- Parents and children.
- People related by blood.
- People who are residing together or who have resided together in the past.
- People who have a child in common regardless whether they have been married or have lived together at any time.
- A man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any

time.

- People involved in a current or past significant romantic or sexual relationship.

FAMILY VIOLENCE WAIVER OPTION :

A provision under which participants, who are victims of FAMILY VIOLENCE, may be exempt from the 60-month lifetime limit. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option).

FAMILY WAGE LEVEL :

A standard used for calculating benefits for families with earned income which is set at 110% of the TRANSITIONAL STANDARD.

FOOD STAMP PROGRAM :

A United States Department of Agriculture program that issues benefits in the form of food coupons or electronic benefits to increase food purchasing power. In Minnesota it is called the FOOD SUPPORT PROGRAM.

FOOD SUPPORT PROGRAM :

Minnesota's name for the FOOD STAMP PROGRAM.

FRAUD :

A person is considered to have committed fraud when obtaining, attempting to obtain, or aiding and abetting another to obtain assistance benefits to which the person is not entitled or in amount greater than the person's entitlement, through material and intentionally false statements, representations, or the withholding of information. See §14.33 (Fraud).

FRAUD OVERPAYMENT :

An overpayment which is determined to be fraud by:

- Court action, including criminal conviction, disqualification consent agreement, pre-trial diversion plan, or civil fraud judgment.
- Administrative Disqualification process (an ADH hearing or ADH waiver).
- Confession of Judgment which admits intentional program violation.

FULL-TIME STUDENT :

A person who is enrolled in a graded or ungraded primary, intermediate, secondary, GED preparatory, trade, technical, vocational, or post-secondary school, and who meets the school's standard for full-time attendance. Summer vacations and school holidays do not affect the student's full-time status.

FUNCTIONAL WORK LITERACY (FWL) :

Intensive work-focused ENGLISH AS A SECOND LANGUAGE instruction for MFIP participants. See §9.30 (ESL and Functional Work Literacy (FWL)).

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA):

The Health Insurance Portability and Accountability Act of 1996, established the HIPAA Privacy Rule in December of 2000. The HIPAA Privacy Rule is a federal rule designed to protect individuals' medical records and other Personal Health Information.

HOUSEHOLD :

People who live together.

HOUSEHOLD REPORT FORM (HRF) :

A form ([DHS-2120](#)) used by clients to report income and circumstance changes.

IN COMPLIANCE :

A participant is meeting the requirements in his or her EMPLOYMENT PLAN . For purposes of an extension, a participant must NOT be in sanction for any reason on the MAXIS system.

INCOME :

Cash or in-kind benefit, whether earned or unearned which is, received by or available to an applicant or participant, that is not an asset.

INELIGIBLE PERSON :

A person who does not meet eligibility requirements for assistance.

INITIAL ELIGIBILITY :

The determination of eligibility for an APPLICANT.

JOB SEARCH :

The act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, substance abuse treatment, mental health treatment or rehabilitation activities for those who are otherwise employable.

OCCURRENCE OF NON-COMPLIANCE :

A month a participant is not in compliance with MFIP requirements. In post 60-month MFIP, an occurrence of non-compliance refers to non-cooperation with Employment Services and may result in sanction, removal (disqualification) of a household member, or case closure (disqualification of case).

ON-LINE DIPLOMA :

For an 18- or 19-year old with an on-line diploma other than from a program approved by the Dept. of Education, explain the MFIP policy and place the teen in the “work option”. See §6.3.9 (Requirements for Teen Parents).

For caregivers under 18 years of age, who are enrolled in an on-line secondary school or GED program, refer to the school district to determine its legitimacy. Each district has a transfer specialist who will sort this out, probably by doing testing.

ON-THE-JOB TRAINING (OJT) :

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.

PARENT :

A child's natural, step, or adoptive mother or father. Also see STEPPARENTS in §3.39 (Glossary: S...).

PARTICIPANT :

A recipient of assistance who participates or is required to participate in the Diversionary Work Program or MFIP Employment Services.

PATERNITY :

Legal fatherhood, either adjudicated or established through a Recognition of Parentage.

PAYMENT MONTH :

The calendar month for which assistance is paid.

PERMANENT DISQUALIFICATION :

For extension purposes, permanent disqualification occurs when 1 or both caregivers are no longer eligible to receive MFIP due to failure to comply with Employment Services. Both caregivers may reach this point in post 60-month MFIP after the 6th occurrence of

non-compliance with Employment Services, or 1 caregiver in a 2-parent case may reach this point upon 2nd removal from the MFIP grant due to non-compliance with Employment Services.

PERSONAL NEEDS ALLOWANCE :

An allowance of up to \$70 per month for each Diversionary Work Program unit member to pay for expenses such as household products and personal products.

PERSON TRAINED IN DOMESTIC VIOLENCE :

An individual who works for an organization designated by the Minnesota Center for Crime Victim Services as providing services to victims of family violence, a county staff person who has received similar training, or any other person or organization designated by a qualifying organization. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option).

POST-SECONDARY SCHOOL :

A school serving students beyond the 12th grade, such as a community college, university, or technical college.

PROSPECTIVE BUDGETING :

A method of anticipating income and determining benefit levels in which the budget month and payment month are the same. See §4.24 (Budgeting Policies).

PROTECTIVE PAYMENT :

Assistance payments made to people outside the unit who receive the entire assistance benefit on behalf of the unit and are responsible for paying for the basic needs of the unit to the extent of the assistance payment.

PROTECTIVE SERVICES :

Social service programs designed to prevent abuse or neglect and safeguard dependent children and vulnerable adults.

QUALIFIED PROFESSIONAL:

Licensed physician, a physician's assistant, a nurse practitioner, a certified midwife, or a licensed chiropractor. For qualified mental health professional or qualified professional to determine mental retardation, see §13.18.3 (Mental Retardation/Mental Illness Extension Criteria). For qualified professional to determine learning disability or IQ, see §13.18.6 (Learning Disabled Extension Criteria). For qualified professional to determine if

participant is “unemployable”, see §13.18.12 (Unemployable Extension **Criteria**).

CLIENT RIGHTS

4.3.3

At application for MFIP, at recertification, and on request, financial workers must inform clients of the following rights:

- To be told orally and in writing of their responsibilities and rights.
- To receive assistance program informational brochures.
- To an explanation of all programs, including the benefits and limitations of each.
- To an explanation of eligibility requirements for all programs, including exceptions from program requirements.
- To an explanation that receipt of Food Support has no bearing on any other program's time limits that may apply to the household.
- To review program regulations, manuals, instructions, and state plans.
- To file an application the same day they contact the county agency if they contact the agency during office hours.
- To request a fair hearing through the county agency or the state agency.
- To be told that a formal application is needed to determine eligibility and exercise their right to appeal the county agency's decision.
- To apply or re-apply for assistance programs at any time even if they seem to be ineligible.
- To receive prompt action or notification of delay on their application.
- To receive written notice of approval or denial of the application and reason for denial.
- To receive written notice of how the county agency calculated their benefits and why benefits increased, decreased, or ended.
- To other services and programs offered by the county agency.

CLIENT RIGHTS

4.3.3

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- To special help, if needed to understand and provide information. For example, interpreters for participants with limited English language proficiency or hearing impaired clients. See §4.3.12 (Client Rights - Limited English Proficiency (LEP)).
 - To special help to meet program requirements and access services if they are considered disabled under the ADA, see §4.3.9 (Civil Rights and the Americans with Disabilities Act).
 - To services and programs offered by other agencies, when appropriate.
 - To have anyone they choose represent or help them with applications for MFIP, recertifications, appeals, or any contact with the county or state agency. The person does not have to be an attorney.
 - To fair treatment under federal and state law, and to file a complaint if they feel they have been treated unfairly. See §4.3.6 (Client Rights - Civil Rights).
 - To have information collected kept private by the county agency. See §4.3.15 (Client Rights - Data Privacy).
 - To protection. If there is a reason to suspect abuse or neglect of children or vulnerable adults, refer the information to social services. The client's cooperation with social services is not a condition of eligibility.
 - To family planning information. Refer clients who request family planning help to family planning services provided by the county agency or an outside agency.
 - To manage their financial affairs, unless the county is making protective or vendor payments.
 - For victims of family violence, to request a Family Violence Waiver. See §7.3 (Employment Plan (EP)), §7.36 (Family Violence Waiver Option), §13.3 (60-Month Lifetime Limit), §13.15 (Hardship Extensions), §13.18.15 (Family Violence Extension Criteria).

When you ask people to provide private or confidential data about themselves, you must tell them:

- The purpose and intended use of the requested data.

- Whether they may refuse or the law requires them to supply the data.
- The consequences of supplying or refusing to supply the data.

- The identity of other people or entities authorized to receive the data.

The financial assistance Combined Application Form (CAF) ([DHS-5223](#)), the Employment Services - Rights and Responsibilities form ([DHS-3172](#)), and Notice of Privacy Practices form ([DHS-3979](#)) are used to ensure participants proper notice.

CLIENT RIGHTS - CIVIL RIGHTS**4.3.6**

All applicants for and participants of assistance are entitled to information about their civil rights. They are also entitled to information about how to file a complaint if they believe they have been subjected to discriminatory treatment by a human services provider.

The civil rights protections that clients have depend upon applicable laws. For example, under state human rights law, you may not discriminate against applicants or participants of assistance on the basis of race, color, creed, religion, national origin, disability (including ensuring physical and program access for people with disabilities), sex, sexual orientation, or public assistance status.

Under federal civil rights law, you may not discriminate on the basis of race, color, national origin, age, sex, religion, or disability. Unlike state law, federal law does not protect applicants or participants of public assistance from discrimination based on sexual orientation or based on receipt of public assistance.

In addition, the Food Support (FS) program has specific civil rights protections of its own. Under that federal program, you may not discriminate against an applicant or participant of FS on the basis of age, sex, color, race, handicap/disability, religious creed, national origin, or political beliefs.

WHERE TO FILE CIVIL RIGHTS COMPLAINTS

There are several agencies that people may contact to file a complaint if they believe they have been subjected to discrimination by a human services provider. Under certain circumstances, a person may file the same complaint with more than 1 agency. However, some agencies do not have authority to accept certain types of civil rights complaints.

Always give clients enough information about filing complaints so they can decide for themselves which agency (or agencies) to contact. Use the Employment Services – **Responsibilities, Rights and Consent (DHS-3172) form** to provide this information. After a client contacts an agency, that agency will inform the client about whether it is the appropriate agency to receive the complaint.

The Minnesota Department of Human Rights enforces the state human rights law. This agency will assist people with the complaint filing process. Clients may file a public services discrimination complaint by contacting that agency directly:

Minnesota Department of Human Rights
Army Corps of Engineers Centre
190 East 5th Street, Suite 700
St. Paul, Minnesota 55101

CLIENT RIGHTS - CIVIL RIGHTS

4.3.6

People may also file a discrimination complaint with the Minnesota Department of Human Services (DHS). Upon receiving a complaint, DHS will determine whether or not it has authority to investigate the complaint, and will notify the person. Clients must contact DHS to file the complaint at:

Department of Human Services
Office for Equal Opportunity
444 Lafayette Road
St. Paul, Minnesota 55155-3812

In addition to the state agencies listed above, applicants and participants of federally-funded assistance programs who believe they have been discriminated against may also file complaints directly with the federal agencies administering those programs. They may file complaints directly with the United States Department of Health and Human Services or the United States Department of Agriculture. They must file the complaint within 180 days of the alleged discrimination.

NON-FOOD SUPPORT RELATED COMPLAINTS: FOOD SUPPORT COMPLAINTS:

Office of Civil Rights - Region V
United States Department of Health and
Human Services
233 N. Michigan Avenue, Suite 240
Chicago, Illinois 60601
312-886-2359 (voice)
312-353-5693 (TDD)
312-886-2359 (voice)
312-353-5693 (TDD/TTY)

USDA
Director - Office of Civil Rights
Whitten Building, Room 326W
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
202-720-5964 (voice/TDD)

The written complaint should include the following information:

- Name, address, and telephone number.
- Name and address of the office accused of discriminating against the client, including names of employees involved.
- A brief description of the incident, action, or program rule that led the client to allege discrimination. The description should include the basis of discrimination (for example: race, color, national origin).

- The date(s) when the alleged discriminatory act occurred.

- Names, titles, and addresses of people who may have knowledge of the alleged discriminatory act.

In January, 2001, a policy guidance prohibiting discrimination against people with disabilities was issued by the U.S. Dept of Health and Human Services Office of Civil Rights (OCR). This guidance focused on TANF programs and was based on Title II of the Americans with Disabilities Act of 1990 and on Section 504 of the Rehabilitation act of 1973.

Two concepts central to compliance are:

1. Individual treatment: individuals with disabilities should be treated on a case by case basis consistent with facts and objective evidence.
AND
2. Effective and meaningful opportunity: individuals with disabilities must be afforded the opportunity to benefit from TANF programs that are as effective as the opportunity afforded to individuals without disabilities.

An individual with disabilities, for purposes of compliance with ADA and Section 504, means an individual with a physical or mental impairment that substantially limits one or more major life activity, a record of such an impairment, or being regarded as having such an impairment. (Disabilities that are temporary in nature are not included under the ADA.) This definition is different than that typically used to determine eligibility in programs that provide cash assistance based upon disability, such as SSI and SSDI.

County and Employment Services workers are required to inform all participants of their right to equal access to all services and benefits regardless of a physical or mental disability. This means that Employment Plans for all individuals with disabilities must take into consideration any/all limitations due to a disability. For many individuals, **they will meet the eligibility criteria for Family Stabilization Services (FSS) and an employment plan for FSS participants must be developed based on the participant's individual circumstances.**

The OCR guidance can be found at <http://www.hhs.gov/ocr/prohibition.html>.

Caregivers must be informed of their rights under the ADA. DHS has developed a brochure, "Do you have a disability?" ([DHS-4133](#)), which provides job seekers with information about the Americans with Disabilities Act (ADA). The brochure, or something comparable, must be used at application for DWP or MFIP, at recertification for MFIP, during the Employment Services overview, when an Employment Plan is developed or revised, and prior to assessment, including the MFIP self screen.

Also see Appendix G (Resources for Americans with Disabilities (ADA)), Appendix G-1 (Decision

Points for Employment Counselors), Appendix G-2 (Decision Points for Financial Workers), Appendix G-3 (DHS - SSI Advocates List), Appendix G-4 (Disability Criteria for SSI Benefits).

CLIENT RIGHTS - DATA PRIVACY**4.3.15**

Data collected and maintained by county agencies and Employment Services Providers about people are private, unless specifically classified otherwise by law. Private data are accessible to the subject of the data or the subject's authorized representative.

State law classifies some data collected and maintained by county agencies as confidential. Confidential data are not accessible to the subject of the data.

All requirements related to data privacy and confidentiality that apply to other MFIP cases also apply to extended cases.

SHARING INFORMATION

In general, the State has the authority to share private data on applicants and participants with other members of the welfare system without signed written consent, as long as proper notice was given, see Notice of Privacy Practices ([DHS-3979](#)). Employment Services Providers are considered part of the welfare system (for vendor agencies, this must be specified in their contract with the county).

County Human Services, Corrections, Public Health and Veterans services agencies within a county may inform each other when a person or family is currently being served by the county unit, without the consent of the subject of the data. Beyond informing of involvement with these county units, data sharing is limited to name, telephone number, and last known address, and the identification and contact information regarding personnel of the county unit responsible for working with the person or family. If additional information is needed, the county may share if the unit is authorized by state statute or federal law, or if the person gives written informed consent.

Data gathered as part of a professional mental or chemical health assessment must be classified and disclosed according to laws governing data practice. See Minnesota Statutes 13.46. This means that a signed release of information is necessary to obtain or exchange information.

All chemical dependency and mental health screening, assessment and treatment information should be considered private data that requires a signed written consent before it may be shared. The consent form must identify the specific type of chemical dependency or mental health information being requested.

It is important that counties, tribes, and Employment Service Providers ensure confidentiality to victims of family violence. This is critical when the victim of family violence lives with the abuser. You should consult with your county attorney regarding your county's data practices policy if you are uncertain how to apply this policy.

Obtain a release of information from the client prior to talking to a family violence advocate about the client's issues relating to family violence. Financial workers and job counselors must consult with the client to determine where mail should be sent or phone calls made. Do not assume that mail can be sent or phone calls can be made to the client's residence as often the abuser is still in the home or has access to the home.

CLIENT REVIEW OF RECORDS

Clients may review private records which contain information on them. Only information classified as private or public is available for review by the client. Private or public data must be actually shown to the subject of the data and not summarized.

The stamp of "confidential" by a health care provider does not change that right, EXCEPT under rare circumstances in which the health care provider (authorized licensed medical or mental health professional) deems certain information contained in the record to be detrimental to the physical or mental health of the data subject, or likely to cause the data subject to inflict self harm or harm to others, and the licensed medical or mental health professional specifically requests that the information be withheld from the data subject. Health care providers should be informed that the subject of the data will be allowed access to all of the information submitted unless the health care provider specifically identifies the information to be withheld as described above.

Honor requests for review as soon as possible, but no later than 10 days following the request. Do not count weekends and holidays in the 10-day period. When more than the initial 10 days is necessary, the county or ES provider may take up to an additional 10 days with agreement of the client. The county agency or ES provider may set the place and time of review.

Data on 2 or more people maintained in a common file because of family relationships are "joint records". Delete material in joint records about the person not requesting the review to protect that person's privacy. Parents may view records of their minor children, unless:

➤ There is a court order preventing access to the data.

OR

➤ The minor children request in writing that the agency deny parental access to the data, and the agency determines that accessing the data by the parent(s) is not in the best interest of the children.

Provide copies of original documents when requested by the subject of the data or the subject's authorized representative. Provide 1 free copy of a document and additional copies at the cost of reproduction.

Refer to the Data Practices Manual issued by DHS for further information. This manual is available on the DHS Web site at: http://www.dhs.state.mn.us/id_016540 .

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

In the course of business, an employment service provider receives, discloses and utilizes participants' Protected Health Information for a variety of reasons. Counties should establish measures to ensure that health information is not accessible to anyone other than authorized personnel. Workforce One security provisions are sufficient to meet criteria for an electronic case record. Staff working within the "welfare system" which includes employment services providers under contract with the county and tribal employment services providers under contract with the Department of Human Services must maintain privacy, confidentiality and integrity with regard to Protected Health Information as required by state and federal laws, rules and regulations and professional ethics. Confidential information includes oral, written, and electronic information.

Case notes and comments in the Employability Measure regarding documented medical conditions require extra caution due to HIPAA regulations. Only the "minimum necessary" information should be included and this should rarely include an actual diagnosis. The documentation in Workforce One case notes or in the comments of the Employability Measure should be more generic, e.g. "medical condition present, see case file," or "medical condition present that restricts activities, see case file," or "mental health issues present, see case file." Those references alert subsequent Job Counselors to investigate when planning later participation activities and developing employment plans.

When a participant discloses a medical, mental or chemical health condition but they do not have documentation to support the claim, information can be written on the Employability Measure or in a case note e.g. "participant stated she is feeling depressed, assisted participant in making an appointment for an assessment."

The Employment Services – Responsibilities, Rights and Consent form ([DHS-3172](#)) informs the participant that information is shared across the "welfare system" when appropriate.

MFIP EMPLOYMENT SERVICES MANUAL

ISSUE DATE 01/2011

CLIENT RIGHTS - DATA PRIVACY

4.3.15

INITIAL INCOME TEST

MFIP uses an “initial income test” when a family applies for MFIP. A “monthly income test” is used to determine ongoing income eligibility and the payment amount. See Appendix A (MFIP Assistance Standards) for the MFIP Assistance Standards. See §8.6.3 (Self-Employment Earnings & Hours) for information on determining income from self-employment.

To determine initial eligibility when a family applies for MFIP, the family's income is compared to the MFIP Transitional Standard after allowing the following deductions:

- 18% of gross earnings or 37% of the unit's gross earnings if anyone in the unit was a Minnesota participant of MFIP in any 1 of the previous 4 months.
- Child care costs up to \$175 per child for children age 2 and older, and up to \$200 per child for children under age 2.
- All court-ordered child support being paid for the support of children not living in the assistance unit's household.
- An allocation for the unmet need of an ineligible spouse or children.

The family is eligible if it:

- Has income less than the Transitional Standard after completing the initial income test.
- Meets other MFIP eligibility requirements including the asset limits.
- Has provided necessary verifications.

MONTHLY INCOME TEST

Families who meet the initial eligibility test have the opportunity to use the work incentives for the duration of their time on MFIP assistance. When a family has earned income:

- 37% of gross earnings are disregarded to arrive at the "net earnings".
- The "net earnings" are subtracted from the Family Wage Level, which is 10% higher

TREATMENT OF INCOME**4.12**

than the Transitional Standard.

- Child care is paid out of the MFIP Child Care Program. MFIP participants may have a small child care co-payment.

Families are ALWAYS better off financially when they work. Working families can also increase their income by claiming for the federal Earned Income Credit (EIC) and the Minnesota Working Family Credit (MWFC) when they file their taxes. Use the tax credit calculation to show families the approximate amount they can expect to receive by claiming the EIC and MWFC. Families lose eligibility for MFIP when their earnings reach approximately 115% of the Federal Poverty Guideline.

NOTE: Families who do not work or who receive only unearned income will get an MFIP grant based on the Transitional Standard.

LUMP SUM PAYMENTS

MFIP treats lump sum payments as income in the month received and an asset in the 3rd month after receipt. If the lump sum income exceeds the applicable standards, the family will be suspended for 1 month.

TREATMENT OF THE FOOD PORTION OF MFIP

Some assistance programs exclude Food Support benefits when they look at a family's income. For instance, HUD housing programs and fuel assistance do not count Food Support as income when determining program eligibility or the amount of a monthly subsidy. Although MFIP is considered 1 program, a part of the grant is designated as the "food portion" and will be issued as EBT benefits. The food portion is identified on the "Notice of Action and Budget Calculation" issued by MAXIS. All local, state, or federal programs that do not count Food Support as income MUST NOT COUNT the food portion of MFIP as income. This amount will be issued in EBT benefits and will be shown separately from the total grant to determine the amount of income to count for these programs.

When a family receives only the food portion of MFIP in a month, that month does not count toward the family's 60-month limit. Families who receive only a small amount of cash portion of MFIP benefits can opt out of receiving the cash portion to preserve their 60-month limit.

TREATMENT OF HOUSING SUBSIDIES

TREATMENT OF INCOME

4.12

The value of public housing, HUD project-based properties, and Section 8 rental subsidies provided through HUD is counted up to \$50, as unearned income toward the cash portion of the MFIP grant. The full amount of the subsidy is counted if it is less than \$50. Several types of housing that DO NOT count as income include: RAFS, Bridges, Shelter Plus Care, HOPWA, Mainstream Vouchers, Section 236, or tax credits.

EXEMPTIONS:

The policy does not apply to an MFIP assistance unit which includes a participant who is:

- Age 60 or older;

OR

- A caregiver who is suffering from an illness, injury, or incapacity that has been certified by a qualified professional when the illness, injury, or incapacity is expected to continue for more than 30 days and prevents the caregiver from obtaining or retaining employment.

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week.

OR

- A caregiver whose presence in the home is required due to the illness or incapacity of another member in the assistance unit, a relative in the household, or a foster child in the household when the illness/incapacity and the need for the participant's presence in the home has been certified by a qualified professional and is expected to continue for more than 30 days. This includes participants who have family members in the home who meet the Special Medical Criteria or receive waived services.

OR

- A caregiver who is an SSI recipient.

The following procedures apply to people who live in public housing, a HUD project-based property, or a Section 8 rental property:

- Deny the application when applicants do not provide verification of the amount of the subsidy.
- Close the case when participants fail to provide verification of the rent subsidy amount:

- At the time of the recertification.

OR

- When there is a change in the amount of the subsidy.

OR

- When the participant moves to a property that provides a subsidy to the MFIP unit.

TREATMENT OF SSI INCOME

All SSI benefits are excluded as income when determining eligibility and benefit amounts for DWP and MFIP.

WORK INCENTIVES**4.18**

The MFIP program offers families who are employed a great advantage by providing 2 work incentives:

- A 2-tiered payment standard that uses a higher standard (Family Wage Level) whenever there is earned income.
- A 37% disregard of gross earnings which is available as long as the family receives MFIP.

Both entry-level jobs and part-time jobs are realistic alternatives. The Family Wage Level and 37% earnings disregard ALWAYS result in participants being better off when they work.

The federal Earned Income Credit (EIC) and the Minnesota Working Family Credit (MWFC) can add additional income for the family and are excluded when determining eligibility and benefit levels.

See Appendix A, [Appendix A-1](#), [Appendix A-2](#), [Appendix A-3](#), for MFIP Assistance Standards and tables comparing family size, grant amounts, income amounts and “exit levels”.

ACTUAL BUDGETING

4.30

There are 3 MFIP budgeting rules to remember:

- The Transitional Standard or the Shared Household Standard is used if the family has no income or only unearned income.
- The Family Wage Level is always used when the family has earnings.
- The actual payment cannot exceed the Transitional Standard or Shared Household Standard.

See Appendix A for the Transitional Standard, Shared Household Standard, Family Wage Level and Appendix A-1 for the Federal Poverty Guidelines (FPGs).

The following examples illustrate the effects of earnings on the payment amount (standards EFFECTIVE 10-1-09):

CASE EXAMPLE 1:

The family consists of 1 adult and 1 child. There are no earnings. The grant equals the Transitional Standard of \$764.

Result: Family receives \$437 cash portion and \$327 food portion.

CASE EXAMPLE 2:

The same family consists of 1 adult and 1 child. The participant is employed part-time and receives \$400 in gross earnings per month. She/he receives 2 work incentives -- the Family Wage Level and the 37% disregard.

\$400	Gross Earnings
<u>-148</u>	37% disregard
\$252	Net earnings
\$840	Family Wage Level
<u>-252</u>	Net earnings
\$588	MFIP Grant

Result: Family receives \$400 in gross earned income (less paycheck deductions such as taxes and FICA) and \$588 grant = \$988 total family income (less paycheck deductions). In this case, the grant includes \$261 cash and \$327 in food portion. In addition, the family would be eligible for the federal Earned Income Credit (EIC) and the Minnesota Working Family Credit (MWFC).

CASE EXAMPLE 3:

The family consists of 1 adult and 1 child. The participant now earns \$900/month.

\$900	Gross Earnings
<u>-333</u>	37% disregard
\$567	Net earnings
\$840	Family Wage Level
<u>-567</u>	Net earnings
\$273	MFIP Grant

Result: Family receives \$900 in gross earning (less paycheck deductions such as taxes and FICA) and \$273 grant = \$1,173 total family income. Because the entire grant amount (\$273) is in food portion, this month DOES NOT count against the 60-month maximum lifetime limit. Again, the family would be eligible for EIC and MWFC.

As illustrated by these examples, a NON-WORKING family receives cash and food benefits of \$840. With earnings of \$400 per month, the cash and food benefit grant is \$588 and the combined gross income is \$988 (less paycheck deductions). With increased earnings of \$900, the food benefit is \$273, the combined gross income is \$1,173 (less paycheck deductions), and the month does not count against the 60-month maximum lifetime limit.

CHILD CARE CO-PAYMENTS

Child care co-payments are based on household size and income. Co-payments are assessed on family income beginning at 75% of the federal poverty guidelines (FPG) and are increased to provide movement to full payment of child care costs as parents' income increases.

ACTUAL BUDGETING**4.30**

Families with income less than 75% of the Federal Poverty Guidelines (FPG) do not have a co-payment. Families with income between 75% - 100% of the FPG pay a biweekly co-payment fee of \$2.00.

Families with income above 100% FPG are assessed co-payments based on state median income and family size.

For co-payment charts for all income levels and household sizes, refer to DHS Bulletin [#10-68-14](#) (DHS Announces Copayment Schedules for the Child Care Assistance Program).

TAX CREDITS

A family can increase their family income even more with the federal Earned Income Credit (EIC) and the Minnesota Working Family Credit (MWFC). These tax credits are not counted against the MFIP grant, whether received monthly or annually.

The purpose of this policy is to:

- Provide an efficient method for transfer of electronic case records.
- Define county financial assistance and Employment Services Provider responsibilities to ensure good communication and consistent provision of services to families who move between counties.
- Enhance performance on the statewide participation rate.

MFIP EMPLOYMENT SERVICES CASE TRANSFER POLICY:

Communication between MFIP ES Providers and between ES Providers and county agencies is critical to successfully manage case records and provide services when clients move from one county to another. Use the process outlined below to improve coordination and communication and to ensure continuity of Employment Services.

1. When the receiving county gets notice on MAXIS of a client's move, submit an Employment Services referral within 7 working days (in Hennepin County within 7 working days after the designation of the Employment Services Provider). A case is added to the denominator for the county's participation rate on the date the receiving county issues benefits.
2. Once you receive the ES referral, you have full authority to require the client to participate in all activities, including developing a plan, attending job clubs and workshops, and monthly reporting. You have full authority to impose sanctions for failure to comply with any of these activities, within the provisions of MFIP policy. For cases that have an ES sanction when transferred, you are responsible for managing the sanction resolution process.
3. Once you receive the ES referral, notify the departing county's ES provider within 7 working days unless otherwise agreed upon between the 2 providers. This will allow you to establish a case on WF1.
4. Once the departing county's provider has terminated the case on WF1, you will be responsible for:
 - a. Completing an assessment and developing a new Employment Plan.

- b. Making case management decisions, including sanctions.
 - c. Authorizing child care assistance (once a new Employment Plan has been completed).
 - d. Tracking participation hours (See item #5, below.).
 - e. Providing support services.
5. The departing county must record participation hours for the weeks up to the date that service is closed on WF1; they have up to 2 calendar months after the date of closure to do this, as with other MFIP cases. You must record participation hours beginning with the week you open services on WF1.
 6. Within the constraints of HIPAA and other privacy laws, and with a signed release from the client, old and new ES providers may share copies of relevant assessments and other paper records.

NOTE: Once you develop a new Employment Plan, authorize and implement necessary childcare through your county's child care assistance program. The departing county is no longer responsible for administering child care assistance to that family.

There are some instances where the child care case would stay with the departing county, for example, when a working participant continues to use the same provider but has not yet developed a new Employment Plan in the receiving county.

ORIENTATION TO FINANCIAL ASSISTANCE

5.3

Caregivers in all MFIP cases must attend a face-to-face orientation to financial services, unless they meet 1 of the 3 exemptions listed in this section. Caregivers may also have good cause for not attending orientation. See §13.15.9 (Special Medical Criteria Extension). For other reasons that caregivers may have good cause for not attending orientation, see §5.3.3 (Good Cause for Failure to Attend Financial Orientation). For 2-parent families, both parents must attend. Failure to attend orientation without good cause is considered non-compliance with program requirements and may result in a sanction. See §14.3 (Non-Compliance), §14.3.3 (Pre 60-Month Type/Length of ES Sanctions).

The orientation may be conducted by county financial assistance staff, Employment Services Provider staff, or may be a joint presentation. The orientation focuses primarily on the financial aspects of MFIP.

A joint presentation is recommended to make sure that a strong and consistent message is delivered about the expectations and supports for going to work.

The orientation may be a part of the intake process or it may be held at a separate time. If orientation is not on the same day as the caregiver's intake appointment, the county must provide or reimburse for transportation and child care the caregiver needs to attend orientation. Orientation must be held within 30 days of approval of the case.

Give caregivers written information that they must attend orientation unless they meet 1 of the following exemptions:

- A single parent, or 1 parent in a 2-parent family, employed at least 35 hours per week.
- OR
- The 2nd parent in a 2-parent family, when the 2nd parent is employed at least 20 hours per week and the 1st parent is employed for at least 35 hours per week.
- OR
- Pregnant or parenting minor who is not exempt from the educational requirement and is complying with that requirement.

Any time an application/reapplication is filed for MFIP, the caregiver(s) must attend an orientation. Caregivers who do not receive MFIP are NOT required to attend orientation.

The orientation must inform caregivers of the following topics:

-
- MFIP work incentives.
 - An explanation of the significant change policy.
 - Availability of the Earned Income Credit (EIC).
 - Minnesota Working Family Credit.
 - The types and locations of child care available to help a caregiver participate in employment, pre-employment, and training or educational programs.
 - The child care resource and referral service that will help the caregiver choose child care services. See §10.3.3 (General Requirements for Child Care Assistance).
 - The responsibilities and rights of MFIP participants.
 - What will happen if participants do not meet requirements.
 - An explanation of the 60-month time limit on assistance (including periods of non-cooperation with program requirements, with or without good cause, continue to count toward the 60 months), and the post 60-month time limit extension categories. See §13.3 (60-Month Lifetime Limit), §13.15 (Hardship Extensions).
 - Information about exemption from the 60-month time limit for victims of family violence. See §7.3 (Employment Plan (EP)), §7.36 (Family Violence Waiver Option).
 - Information about shelters and programs for victims of family violence.
 - The availability and benefits of the early childhood health and developmental screening.
 - Eligibility for Transition Year Child Care (TYCC) when MFIP ends.
 - Availability of all health care programs, including transitional medical assistance.

- The necessity to obtain immediate employment.
- The requirement to comply with Employment Services.
- Information about available Employment Services Providers and the option to choose an Employment Services Provider.
- A description of the range of work and training activities that are allowable under MFIP to meet the individual needs of participants. For a list of these activities, see §7.9 (Allowable Activities).
- Notification that the county may not impose a sanction for failure to comply when the participant has good cause because of the unavailability of child care.

The financial worker must explain good cause, including:

- The definition of terms used in determining the inability to obtain appropriate child care.
 - That participants cannot be sanctioned if appropriate child care is not available.
 - Who will make the determination of child care availability.
 - That the inability to obtain child care does not extend time on assistance.
- The caregiver's option to request approval of an education and training plan according to the assessment requirements
 - The availability of work study programs under the higher education systems.

Give the caregiver a copy of the brochure Education and Training in MFIP (DHS-3366), which explains the general parameters that govern education and training.

It is critical that participants leave the orientation knowing MFIP is a work-focused program and that they are prepared to enter the next phase of the Employment Services program. The county and the Employment Services Provider staff may design the details of the orientation to suit the needs of their local area and participants. However, the orientation is the participant's 1st exposure to MFIP Employment Services and should actively promote the value of early employment.

TIMING FOR EMPLOYMENT SERVICES**5.6**

All caregivers receiving MFIP during the 1st 60 months, and caregivers in post 60-month extension categories, must be engaged in Employment Services (ES), with the exception of participants with a natural born child under 12 months, see below. For more information on extension categories, see Chapter 13 (Extensions). Caregivers with a fraud disqualification on or after October 1, 2007, are also required to participate in employment services during the disqualification period.

CHILD UNDER 12 MONTHS EXEMPTION

Under the law there is a time-limited ES exemption for MFIP and DWP caregivers with a natural born child under 12 months.

An ES exemption begins the 1st month after the month the participant claims the child under 12 months exemption.

The 3 time periods a participant can claim an ES exemption for the care of a child under 12 months are:

- The original child under 1 exemption that was in effect from January 1, 1998 through June 30, 2004.
- The child under 12 weeks ES exception that was in effect from July 1, 2004 through February 28, 2010. Do NOT count more than a total of 3 months for any participant who used the 12-week exception during this period.
- The child under 12 months ES exemption effective March 1, 2010.

All months used on DWP and MFIP under any of these periods count toward the 12 month lifetime limit for a household.

MFIP parents who have not used a total of 12 months of the exemption (up to 12 months combined total per household for a 2-parent family) may choose to use the remaining months beginning March 1, 2010. Parents are allowed to choose to claim the exemption for more than 1 child, and in different spans of time. This ES exemption applies even if the child's needs are not included in the grant, such as for a child that is ineligible for cash under the Family Cap policy or due to receipt of Supplemental Security Income (SSI).

In a 1-parent household, the ES exemption for the care of a child under 12 months is available for a cumulative 12 months lifetime limit.

In a 2-parent household, the parents' exemption months are combined to determine the months used towards the 12-month total rather than being available in full to each caregiver. Only 1 parent is allowed to claim the exemption in any 1 month but the exemption can switch between parents from month to month.

If a parent in a 2-parent household moves out and joins a 1-parent assistance unit to form a new 2-parent assistance unit, the parent who moves in retains any of their unused exemption months. The newly formed unit is limited to 12 months total when the 2 parents' exemption months are added together. If the combined months of the new unit exceed 12 months, they would not be eligible for any more exempt months as long as they live together.

TEEN PARENTS

The ES exemption to care for a child under 12 months is NOT available to minor parents under age 18, or 18- or 19-year old parents who do not have a high school diploma or its equivalent and choose an Employment Plan with an education option. Such parents may choose to claim a 6-week exemption to care for a child under 6 weeks.

An 18- or 19-year-old parent(s) without a high school diploma or its equivalent who choose an Employment Plan with a work option may choose to claim the child under 12 months ES exemption.

VICTIMS OF FAMILY VIOLENCE

The ES exemption to care for a child under 12 months IS available to participants who have an approved Employment Plan (EP) for FSS Participants under the Family Violence Waiver Option.

The Employment Plan should be revised to indicate that the participant is choosing to use the exemption and the review date should reflect the date the exemption is expected to end. Participants should be made aware that while they are using the exemption they would not have access to support service dollars or MFIP child care.

The employment counselor must use the child under 12-month identifier on WF1 to indicate the participant is choosing the exemption.

The participant must come in to revise the Employment Plan the month after the month the exemption ends.

If an applicant wants to request both the Family Violence Waiver and the 12-month exemption they must be referred to Employment Services and must first develop an Employment Plan (EP) for FSS participants under the Family Violence Waiver Option. Once that plan is written, approved and the waiver is in place the participant can choose the exemption. The EP would need to be revised to indicate the participant is choosing to use the exemption.

REFERRING PARTICIPANTS TO ES/CHOICE OF PROVIDERS**5.9**

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

- The process must ensure that caregivers begin participating (for example: attend an overview) within 30 days or within 10 days when a person participated in the diversionary work program within the past 12 months.
- Caregivers must be offered a choice of at least 2 Providers, EXCEPT in counties using a Workforce Center and counties exempt from this requirement due to financial hardship.

All referrals are electronically generated from MAXIS to Workforce One (WF1). Paper referrals do not replace the electronic referral. Referrals can be sent to Employment Services Providers 2 different ways:

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

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

CHOICE OF PROVIDERS

Unless a county is affiliated with a Workforce Center system or can demonstrate financial hardship, participants must have a choice of at least 2 service providers. Service providers must offer, or contract for, all services necessary to meet the requirements of the state's Employment Services legislation, including overview, assessment, development of Employment Plans, and job search activities.

The selected employment and training service provider can be any of the following:

- A public, private, or non-profit agency certified by the Department of Employment and Economic Development.
- A public, private, or non-profit agency that is not certified.
- A county agency that chooses to provide services.

To help ensure coordination of service for 2-parent families, both parents must choose the same Employment Services Provider unless a special need is identified but not available through 1 service provider. Examples of a special need include availability of language-specific services or cases involving family violence.

CHANGING EMPLOYMENT SERVICES PROVIDERS

The state recommends counties and their Employment Services Providers:

- Have no policy which totally prohibits changes between providers.
- Allow changes between providers when circumstances warrant.

Counties should develop guidelines and ensure that all MFIP staff is aware of their county's policy.

EMPLOYMENT SERVICES OVERVIEW**5.12**

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

FUNCTION OF THE OVERVIEW

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

REQUIREMENT TO ATTEND THE OVERVIEW

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

Participants who have or are in the process of qualifying for a family violence waiver must be provided the same information but cannot be required to attend an overview done in a group setting.

In these cases the information is usually presented in the overview must be covered during the development of the Employment Plan. For more information, see §7.3 (Employment Plan (EP)), §7.36 (Family Violence Waiver Option).

Child care cost should be covered for attending the overview.

CONTENT OF THE OVERVIEW

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

The overview should convey a sense of the urgency and opportunity of obtaining employment, review the financial assistance information from the orientation, and explain resources available to

facilitate a transition to employment.

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

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

Inform participants that there may be probationary periods new employees must serve after being hired and that job retention services may be available at the ES provider or county.

➤ The necessity and opportunity of working

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

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

Families do not have to choose between welfare and work. Under MFIP, any job increases family income, and provides valuable work experience and a step up the ladder to a better job. Tax credits can also substantially increase family income. See §4.24 (Budgeting Policies), §4.30 (Actual Budgeting).

➤ The range of allowable Employment Services work activities

Participants need to know that activities necessary to move them toward employment and self-sufficiency may be included in their plan, with job counselor approval. Provide this information in the context of the general sequence of services, order of preference for work activities, and hourly participation requirements. Retain the basic message that

participants are expected to take the most direct route to employment. Work-related activities should be seen as supplementary and should not routinely replace job search and employment.

You may want to include the list of 9 approvable activities in an information packet to supplement your verbal explanation. See §7.9 (Allowable Activities).

➤ **Family Stabilization Services**

Participants who meet certain criteria may qualify for Family Stabilization Services (FSS). See §11.6 (FSS Eligibility Criteria). If it appears a participant may meet one of the criteria begin the process of securing documentation to make this determination.

➤ **Training opportunities**

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

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

➤ **Child care resources and referral**

Child care expenses are paid for MFIP families who work or participate in other activities in an approved Employment Plan as long as child care program requirements are met, for example: complete an application timely; use a licensed or legal non-licensed provider. Participants may be responsible for a small co-payment. See §10.3 (MFIP Child Care). Participants should be informed about the child care resources available to enable them to participate. For child care assistance for victims of family violence, see §7.3 (Employment Plan (EP)).

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

MFIP has high expectations for participants but offers ongoing support to enable them to meet those expectations. The program sets up a shared responsibility among families, the Employment Services system, and the county. Job counselors are responsible to

help participants develop a realistic plan for the future and for supporting the plan with the full range of available resources. Participants are responsible to develop and follow through with the plan and for working toward the greatest level of self-support possible. Employment Services – **Responsibilities**, Rights and **Consent** ([DHS-3172](#)) is a concise summary of the participant’s protections and obligations.

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

Job counselors can use DHS brochure “Do you have a disability?” ([DHS-4133](#)). See §4.3.9 (Civil Rights and the Americans with Disabilities Act).

➤ **Consequences for failure to meet requirements.** See §14.3 (Non-Compliance).

➤ **Eligibility for Transition Year Child Care.** See §10.6 (Continuation of Support Services), §10.6.6 (Transition Year Child Care).

➤ **Family violence referral information.**

- Provide information on exemption from the 60-month time limit based on family violence. See §7.36 (Family Violence Waiver Option). Provide the MFIP Family Violence Waiver ([DHS-3477](#)) brochure.
- Provide caregivers with a Family Violence Referral ([DHS-3323](#)). You may include this form with other information distributed at the overview or provide it during the 1st meeting with a job counselor. For more information, see §7.3 (Employment Plan (EP)), §7.36.3 (Person Trained in Domestic Violence).
- Provide information about battered women’s community shelter programs and other services for victims of family violence.

➤ **Availability of all health care programs, including transitional Medical Assistance.** See §10.6.12 (Transitional MA Programs).

REQUIREMENTS AND SEQUENCE OF SERVICES**5.15**

REQUIREMENTS

Participants have 2 basic requirements:

- **DEVELOP A PLAN.** Participants must meet with you for an assessment and to develop an Employment Plan.
- **COMPLY WITH THE PLAN.** Participants must comply with the terms of their Employment Plan. For most participants, this means participating in job search activities. For details on requirements for these components, see §7.3 (Employment Plan (EP)).

SEQUENCE OF SERVICES

Most participants will follow the same sequence of services during the 1st 6 weeks of participation in MFIP Employment Services. The service sequence is as follows:

1. An overview of MFIP Employment Services. See §5.12 (Employment Services Overview).
2. An assessment and development of Employment Plan. See §6.3 (Assessment), §6.3.3 (Contents of an Assessment), §7.3 (Employment Plan (EP)).
3. Job search. See §9.12 (Job Search Activities).

Each of these services is described later in this chapter.

When you determine during the assessment that a mandatory participant has sufficient skills to obtain suitable employment, he or she must job search at least 30 hours per week and accept any offer of suitable employment.

When the assessment indicates a mandatory participant has barriers to employment that will not be overcome by 6 weeks of job search, he or she must develop an Employment Plan that addresses those barriers and meets hourly requirements. See §7.6 (Minimum Hourly Activity Requirements).

NOTE: This sequence does not apply to minor parents, 18- and 19- year old parents without a high school diploma or equivalent who choose an education option, or participants in an ill/incapacitated extension category. See §6.3.9 (Requirements for Teen Parents),

§13.15.3 (Ill/Incapacitated Extensions). Also see §7.12 (Plan for Victims of Family Violence).

ASSESSMENT

6.3

An assessment is the process of gathering information related to employability for the purpose of identifying both the participant's strengths and strategies for coping with issues that interfere with employment. The assessment process begins at the first meeting between the participant and a job counselor and continues throughout participation in Employment Services. This information serves as the basis for the initial Employment Plans (EPs), as well as updates and revisions.

In MFIP, assessments should be done on a continuing basis. Job counselors assess participants each time they meet with a participant to revise or review an employment plan. Depending on the needs and circumstances of each participant, transportation, childcare, need for training, or job seeking skills are assessed on an ongoing basis. Thorough, comprehensive assessments should also be done, but are recommended less frequently.

PURPOSE OF AN ASSESSMENT

MFIP Employment Services focuses on helping participants make a successful attachment to the labor force as quickly as possible. The assessment supports this intent. The primary purposes are to:

- Use information from the assessment process to develop and update the Employment Plan.
- Assess the participant's ability to obtain and retain employment.
- Identify the participant's strengths and strategies for coping with issues that interfere with finding employment.
- Identify participants with barriers to obtaining and retaining employment that won't be overcome by 6 weeks of job search.
- Identify participants who may qualify for Family Stabilization Services. See Chapter 11 (Family Stabilization Services (FSS)).
- Evaluate proposals for education and training.

TIMING OF AN ASSESSMENT

Intake

To reinforce the message of urgency, complete an assessment as soon as possible after the overview for caregivers who are mandatory in MFIP Employment Services. Delays between the overview and the assessment for mandatory caregivers should only occur in limited circumstances. Department of Human Services (DHS) recommends completing a thorough assessment at intake but no later than the third month on MFIP.

12-Month Comprehensive Review

The purpose of the review is to determine the need for additional services and supports, including placement in a paid or unpaid work experience.

Conduct a comprehensive review of participation and progress with participants who received MFIP assistance but did not work in unsubsidized employment during the past 12 months. Whenever possible conduct this review together with the financial worker or other county staff (for example, during the annual recertification). For more information on what should be included in a comprehensive review, see §6.3.3 (Contents of an Assessment)

DHS recommends a comprehensive review to be done at twelve months and then annually after that.

FSS Participants

The purpose of the FSS service track is to help families achieve the greatest degree of economic self-sufficiency and family well-being possible. A thorough assessment is needed to develop an EP for FSS participants, which requires that strengths and barriers, including any special family circumstances that impact, or are likely to impact progress towards goals, be in the plan.

In order to fulfill the purpose of the FSS service track a comprehensive review as described in §6.3.3 (Contents of an Assessment) is recommended.

Continuous Assessment

As job counselors meet with participants, review and revise EPs, and assist them to meet their goals ongoing assessments will be happening. See §6.3.3 (Contents of an Assessment) for more information on content of continuous assessments.

For additional information, see:

- §6.3.3 Contents of an Assessment.
- §6.3.6 Strengths-Based Approach.
- §6.3.9 Requirements for Teen Parents.
- §6.3.12 Chemical/Mental Health/Learning Needs Screening.
- §6.3.15 Intervention Levels.
- §6.3.18 Intervention Levels - Obtaining/Exchanging Information.
- §6.3.21 Chemical & Mental Health Assessments: Referrals/Costs.
- §6.3.24 Intervention Documentation & Plans.
- §6.6 **Employability Measure**
- §7.18 Accommodations for Disabled Participants.
- §10.6.3 Chemical/Mental Health Assessment Support Services.

CONTENTS OF AN ASSESSMENT

6.3.3

CONTENTS OF THE CONTINUOUS ASSESSMENT

Cover these 3 areas during the continuing process of assessment for MFIP participants **as needed**:

- Obtain basic information about the participant's ability to obtain and retain employment, including educational level; interests, skills, and abilities; work history and experience; transferable work skills; and child care and transportation needs. The assessment **MAY** include basic skills and English language skills testing.
- Identify personal and family circumstances that impact the participant's ability to obtain and retain employment, including any special needs of the children; level of English proficiency; family violence issues; or involvement with social services or the legal system.

NOTE: Use information obtained through the assessment process to determine whether a participant qualifies for a family violence waiver, and to develop or update Employment Plans as appropriate.

If a participant is a victim of family violence and this is documented, give the Family Violence Referral ([DHS-3323](#)) and Domestic Violence Information Brochure ([DHS-3477](#)) to the participant. For information on Employment Plans for victims of family violence, see §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence).

- Discuss results of the MFIP Self Screen ([DHS-3482](#)) and the Brief Screening Tool for Special Learning Needs ([DHS-3504](#)). Screening tools must be completed by participants who are unable to find suitable employment after 6 weeks of job search, and participants who have barriers to employment that will not be overcome by 6 weeks of job search. See §5.15 (Requirements and Sequence of Services).

Screening tools may only be administered by job counselors or county staff trained in their use. See §6.3.12 (Chemical/Mental Health/Learning Needs Screening).

CONTENTS OF A COMPREHENSIVE REVIEW

CONTENTS OF AN ASSESSMENT

6.3.3

DHS recommends that a comprehensive **assessment** cover at least the following areas at one point in time:

- Abilities
- Child Behavior
- Dependent Care
- Dependent care of anyone else in the household who is a vulnerable adult
- Education
- Family Violence issues
- Financial/Budgeting
- Health (includes physical, chemical, and mental health)
- Housing
- Involvement in Social Services
- Legal
- Level of English proficiency
- Other personal or family circumstances
- Personal Workplace skills
- Prior employment/work history
- Safe Living Environment
- Social Supports
- Transferable work skills
- Transportation

Information gathered through this assessment should be used in developing an EP.

REQUIREMENTS FOR TEEN PARENTS**6.3.9**

PARENTS UNDER AGE 18

Minor participants who have not obtained a high school diploma or the equivalent, and who are not exempt from the requirement to attend school, must develop a plan which includes completion of an appropriate educational program as the 1st goal.

County financial workers will refer minor parents (under 18 years of age) to the county social service agency immediately upon approval of MFIP assistance for assessment and development of a social services plan. A referral will come across the interface from MAXIS to Workforce One (WF1). Because school hours must be collected on WF1 in order to count in the participation rate, ES agencies must accept the referral, enroll the student and open the education activity. Development of an employment plan is not required.

Assessments of minor parents must also consider the results of the early childhood health and developmental screening (for the minor parent and/or the minor's child) if available, and the effect of the child's developmental and educational needs on the minor parent's ability to participate in Employment Services.

If the county social services agency determines that school attendance is not appropriate for a minor parent, the county agency must refer the caregiver to social services for services as provided in Minnesota Statutes Section 257.33.

When minor parents **without** a high school diploma or GED turn 18, they have the option to continue to receive services from the county social services agency or to switch to an MFIP Employment Services Provider.

Minor parents who obtain a high school diploma or GED prior to their 18th birthday will be referred to ES or the appropriate agency in your area by the county agency.

18- & 19-YEAR OLD PARENTS

18- or 19-year old participants, who have not obtained a high school diploma or the equivalent, must complete an individual assessment which provides an initial examination of educational progress and needs, literacy level, child care and supportive needs, family circumstances, skills, and work experience. The county has the option to have the educational assessment and the Employment Plan for 18- and 19-year old participants without a high school or a GED who choose an education option completed by either an Employment Services Provider or by county social services.

REQUIREMENTS FOR TEEN PARENTS

6.3.9

The county **must** allow 18- & 19-year old teen parent participants who do not have a high school diploma or its equivalent to **choose** an Employment Plan with either:

- An education option.
- OR
- A work option.

The **education option** means that the Employment Plan includes education requirements (high school or its equivalent). The 60-month clock stops for teen parents who choose this option. Employment Plans that include both secondary school attendance and work fall under this option. Income **is not** counted toward the MFIP grant under this option.

The **work option** means the Employment Plan includes activities under the regular Employment Services track. The 60-month clock **does not** stop for teen parents who choose this option. Earned income **does** count for teens who choose the employment option. County and Employment Services staff working with 18- and 19-year old parents should explain the option and make specific efforts to inform those who are in sanction for not attending school that there is a new way to come into compliance. Review available school and work options and, together with the participant, select the most appropriate option.

MINOR PARENTS AND 18- & 19-YEAR OLD PARENTS WHO CHOOSE AN EDUCATION OPTION

Minor parents, and 18- and 19-year old parents who choose an education option, must meet educational requirements unless 1 of the 5 conditions below applies or an Employment Plan (EP) indicates education requirements are waived due to safety. Education requirements apply to the individual. In the case of 2-parent families where both parents are under age 20, each must meet the educational requirements.

- No appropriate educational program is identified.
- Transportation services needed to attend school are not available.
- Appropriate child care services are not available.
- The parent is ill or incapacitated seriously enough to prevent school attendance.

REQUIREMENTS FOR TEEN PARENTS

6.3.9

- The parent is needed in the home because of the illness or incapacity of another household member. This includes a caregiver of a child who is younger than 6 weeks of age.

Meeting educational requirements means the parent is enrolled in a secondary education program and must meet the program's attendance requirements.

When school is in session, you have the discretion and are strongly encouraged to include additional hours of participation beyond school activities for teen parents who are only in school part-time.

These requirements should not interfere with completion of school.

You may require teens who do not attend school over summer break to participate in work activities and may sanction them for failure to comply.

If the participant chose an education option, the Employment Plan must specify:

- The school or educational program and hours required.
- That school attendance is mandatory.
- The services that will be provided.
- Other activities in which the participant will take part.
- The child care and supportive services that will be provided.

Ensure that the participant understands the consequences for not attending school or following through with the other requirements in the plan.

NOTE: When an 18- or 19-year old caregiver who chose an education option subsequently turns 20 or receives his/her high school diploma or GED, he/she must participate in Employment Services, unless exempt, and is subject to the requirements for other adult participants.

ON-LINE PROGRAMS

Make a referral to the local school district when a minor parent is enrolled in, or has graduated from, an on-line secondary or high school program that is not approved by the MN Dept. of Education. For additional information on on-line learning, go to this MN Department of Education

REQUIREMENTS FOR TEEN PARENTS

6.3.9

web site: [Online Learning](#). For information on approved on-line learning providers, scroll down. Each district has a transfer specialist who will determine whether the program is acceptable or whether a teen who completed an on-line program meets graduation standards. See the definition of ON-LINE DIPLOMA in §3.33 (Glossary: O-Q...).

Allow on-line and distance vocational educational training learning programs when:

- The on-line or distance training program has mechanisms for providing reports which document the actual time the participant is accessing the on-line training program.
OR
- The on-line or distance training program is conducted in a supervised setting.
AND
- Daily supervision is provided by the course instructor or other responsible individual who is overseeing the participant's on-line or distance course work and progress.

STUDY TIME

Count ONLY the study time hours that have been verified by the course instructor which indicates the amount of study time that is required or advised in order to make satisfactory progress or to complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. See §9.33 (Education/Training Documentation & Verification).

Use the work option when an 18- or 19-year old parent is enrolled in, or has graduated from, an on-line secondary or high school program that is **not** approved by the MN Dept. of Education. These teens may continue the on-line program on their own, but it should not be included in the Employment Plan or counted toward the participation rate. If the program is **not** approved, any earned income **is counted** toward the MFIP grant.

18- & 19-YEAR OLD CAREGIVERS WHO CHOOSE A WORK OPTION

18- and 19-year old caregivers who choose a work option have the same requirements as other adult participants. See §5.15 (Requirements and Sequence of Services), §7.6 (Minimum Hourly Activity Requirements), §6.3.3 (Contents of an Assessment), and §7.3 (Employment Plan (EP)).

SWITCHING FROM/TO EDUCATION OR EMPLOYMENT OPTION**Switch From Education to Employment:**

Clients who are 18 or 19 years old may switch from an education option to a work option unless a sanction has been imposed or the NOITS and the Notice of Adverse Action (NOAA) have been sent. If a sanction has been imposed or the NOITS and NOAA have been sent, the client must attend the ES Overview before the sanction process is stopped and sanction lifted. Client will then be required to follow Employment Option requirements.

Switch From Employment to Education:

Clients who are 18 or 19 years old may switch from a work option to an education option unless a sanction has been imposed or the NOITS and Notice of Adverse Action (NOAA) have been sent. If a sanction has been imposed or the NOITS and NOAA have been sent, the client must enroll in and start attending school before the sanction process is stopped and the sanction lifted. Allowances may be made during the summer months if school attendance is not an option. In that case, registration would suffice. Clients will then need to follow education option requirements.

INTERVENTION DOCUMENTATION & PLANS

6.3.24

Use the DWP/MFIP Observation Checklist ([DHS-3483](#)) to record behaviors of concern and related information as you work with participants who may be experiencing mental or chemical health issues. Document the following items in the case file:

- Signals that triggered an intervention.
- Level of intervention.
- A summary of conversations with the participant, including results of screening, as well as substantial impacts on employment that were identified.
- Whether a professional chemical use or mental health assessment was agreed to voluntarily or is being required.

Update Employment Plans to:

- Incorporate assessment activities.
- Include treatment recommended as a result of the assessment and any other changes to activities resulting from an intervention.

Treatment (including continuation of care activities) may be included in the Employment Plan on a voluntary basis for participants in the 1st 60 months on assistance. Include and require treatment recommendations in the Employment Plan as a condition of the extension. See §13.15.3 (Ill/Incapacitated Extensions). Clearly indicate on the plan whether the activity is required or voluntary.

EMPLOYABILITY MEASURE**6.6**

The Employability Measure (EM) is an assessment tool which structures an interview or conversation between a job counselor and a participant around their challenges and strengths. The overarching purpose of the EM is to develop a more relevant Employment Plan which assists the participant in moving towards self-sufficiency.

The EM addresses a participant's status in eleven areas of life functioning that have been shown to be related to getting and keeping a job: transportation, dependent care, education, housing, social support, child behavior, financial, legal, safe living environment, health, and workplace skills. The EM consists of a matrix for each area, with descriptions of the five levels, from Level 1, an area of challenge, to Level 5, an area of strength. These matrices provide a way to quantify status and, over time, progress in these areas in a consistent way.

When to complete the EM:

- New MFIP participants: within three months of enrollment on WF1.
- Returning to MFIP participants who have not had an EM: within three months of enrollment on WF1
- All existing MFIP participants: within 18 months of the start date of EM implementation in your county.

Participants cannot be sanctioned for not participating in the EM interview unless it is part of another mandatory activity.

The EM may only be administered by staff trained in its use.

For Employability Measure protocols and related information, see [Employability Measure & User Guide](#).

EMPLOYMENT PLAN (EP)

7.3

An Employment Plan (EP) is a social contract between the county/ES provider and each participant. The purpose of the plan is to identify for each participant the most direct path to unsubsidized employment and any subsequent steps that support long-term economic stability. The plan should clearly outline commitments on the part of both the county/ES provider and the participant. See §3.15 (Glossary: E...) for the definition of Employment Plan.

Plans may be created using the Workforce One (WF1) employment plan function or the paper employment plan found on eDocs:

- MFIP/DWP Employment Plan ([DHS-4209](#))
- Employment ([DHS-4209A](#))
- Job Search Requirements ([DHS-4298B](#))
- Unpaid Work Activities ([DHS-4209C](#))
- Education ([DHS-4209D](#))
- Family Safety ([DHS-4209E](#))
- Child Care or Transportation ([DHS-4209H](#))
- Health ([DHS-4209I](#))
- Housing ([DHS-4209J](#))
- Personal/Family Activity ([DHS-4209K](#))
- Legal Issues ([DHS-4209L](#))
- County/State Social Services ([DHS-4209M](#))

WHO MUST COMPLY WITH AN EP

All MFIP participants:

- Are mandatory ES participants.
AND
- Must develop an EP, **unless they:**
 - **Have a child under 12 months.**
AND
 - **Have any remaining months of the child under 12 months ES exemption.**
AND
 - **Choose to use any remaining months of the child under 12 months ES exemption.** See §5.6 (Timing for Employment Services).
AND
 - **Must comply with a plan.**

Failure on the part of a mandatory participant to develop or comply with hourly requirements in a plan may result in a sanction:

- Failure to sign an Employment Plan is considered failure to develop an EP and should result in a sanction. See §7.6 (Minimum Hourly Activity Requirements), §14.36 (Guidelines for Working with Sanctioned Participants).
- Failure to develop or comply with the EP on the part of a participant in the FSS service track may also result in a sanction however pre-sanction FSS provisions apply. See §11.18 (FSS Sanction Provisions).

WHEN TO DO AN EP

Employment Plans are based on information gathered during the assessment process and throughout participation in the program. Development of a basic EP should begin during the first meeting with a job counselor, or shortly thereafter. The EP is a “living document” that should be reviewed at least every 3 months and revised whenever necessary. See §6.3 (Assessment). For additional information, see:

- §7.3.6 Functions of the EP
- §7.3.9 Goals in the EP

§7.9	Allowable Activities.
§7.9.3	Order of Preference for Allowable Activities.
§7.12	Plan for Victims of Family Violence.
§7.15	EP - Reduced Hours Due to Good Cause.
§7.18.3	EP for Participants with a Disability.

CONTENTS OF THE EP

The EP must include:

- The participant's overall employment goal.
- Activities and steps necessary to reach that goal.
- Hours of participation and a time line for each activity.
- Expectations and measure(s) used to determine satisfactory progress.
- Meetings with the job counselor.
- Documentation/verification requirements.
- The support services that will be provided.

Clearly indicate that all activities in the plan are mandatory unless otherwise specified. See §7.9 (Allowable Activities). EPs must be signed and dated by you and the participant. Revisions to an existing EP should also be initialed and dated by both.

EPs should include enough hours to meet participation requirements unless a compelling reason to do less is case-noted in the participant's file. See §7.6 (Minimum Hourly Activity Requirements). Note that teen parents meet secondary education requirements by enrolling in and attending school. See §6.3.9 (Requirements for Teen Parents) and §7.6 (Minimum Hourly Activity Requirements).

Employment Plans may include any allowable activity, however, participation in activities that meet core hourly requirements are a primary consideration when developing or revising an EP. Use the information in §9.12.3 (Structured Job Search) to determine core and non-core activity hours, and the Levels of Activities list in §7.9.3 (Order of Preference for Allowable Activities) as a guide to selecting activities.

VICTIMS OF FAMILY VIOLENCE

Victims of family violence who want to be exempt from the 60-month lifetime limit MUST request a Family Violence Waiver Option and develop an Employment Plan for FSS participants and follow FSS requirements. See §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option), §7.36.3 (Person Trained in Domestic Violence).

FUNCTIONS OF THE EP

7.3.6

The functions of **an** employment plan are:

- Identifies the participant's self-support and employment goals, breaks those goals into smaller objectives, and lists the steps the participant must take to achieve the goals in the shortest time reasonably possible.
- Documents the partnership between the participant and you. It specifies what each of you will do and when each is expected to do it.
- Helps gauge progress. It serves as a tool for determining participant progress and compliance with the expectations of MFIP Employment Services. This includes the FSS service track.
- Identifies the parameters that are used to determine non-compliance.

GOALS IN THE EP**7.3.9**

An important part of your job is helping participants set goals. The primary goal for participants is employment, but other goals may be included in the plan to fit the participant's circumstances. This is especially true in **EP's for Family Stabilization Services (FSS) Participants** where, in addition to employment goals, reducing barriers and improving family stabilization should be included.

Goals should be SPECIFIC, REALISTIC, and ACHIEVABLE.

- **SPECIFIC:** Describe the goal in such a way that both the participant and you will know when the goal has been reached.
- **REALISTIC:** The goal must represent a measurable step toward self-sufficiency and must be acceptable to the participant and you.
- **ACHIEVABLE:** The goal must be within the participant's abilities. It must not require resources beyond what you can provide.

For goals for victims of family violence, see §7.12 (Plan for Victims of Family Violence).

MINIMUM HOURLY ACTIVITY REQUIREMENTS

7.6

The general expectation is that participants will participate to the greatest extent possible and obtain full-time employment as soon as possible. Activities supporting these goals should be included in the Employment Plan. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence). The number of hours in the Employment Plan must meet the requirements below, unless there is a compelling reason to do otherwise.

Document activity hours for each participant. Documentation and verification **MUST** be contained in each case file.

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

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

- 87 hours per month of work activities for single-parent families with a child under 6.
- 130 hours per month of work activities for single-parent families with no children under 6.
- Combined total of at least 55 hours per week for 2-parent families.

Employment plans are written with weekly activity and sometimes daily expectations.

Follow this guidance in order to meet the monthly minimum:

- **Minimum Weekly activity requirements for single-parent families with children under 6.**

Plans should be written with at least a minimum of 21 hours a week. ($87/4.3 = 20.23$ rounded up is 21). For participants for whom it is realistic and achievable, DHS recommends writing the plans up to the equivalent of full-time work.

- **Minimum Weekly activity requirements for single-parent families with no children under 6.**

Plans should be written with at least a minimum of 31 hours a week. ($130/4.3 = 30.23$

MINIMUM HOURLY ACTIVITY REQUIREMENTS

7.6

rounded up is 31). DHS recommends writing the plans up to the equivalent of full-time work each week if appropriate for the individual circumstances.

➤ **Minimum Weekly activity requirements for 2-parent families.**

When 1 parent in a 2-parent family is participating 55 hours per week, the 2nd parent is still expected to participate. This 2nd parent is not exempt from the requirement to participate. Use your professional discretion to decide the appropriate number of hours required of this parent to help achieve the goal of leaving MFIP.

NOTE: In 2-parent families where only 1 parent is receiving MFIP, for example, the 2nd parent is receiving SSI; follow the single parent minimum hourly requirements.

Job counselors have the discretion and should make a determination of the appropriate number of hours for each case.

Additional guidelines for determining the number of hours written in a participant's plan:

- **Maximum** - For participants for whom it is realistic and achievable, DHS recommends writing plans that mirror full-time work. No participant may be required to participate more than 40 hours per week.
- **Between the maximum and minimum** - Making a determination of the appropriate number of hours between the minimum and maximum should be based on the participant's personal and family circumstances that impact or restrict the participant's ability to obtain or retain employment. This could include, but is not limited to: any assessment results, the participant's performance, observations of the participant, any special needs of the participant or children, family violence issues, the level of English proficiency, involvement with social services or legal issues.
- **Below minimum** - Plans should be written for less than the minimum if the participant qualifies for a modified plan or if the participant has good cause. See §7.15 (EP - **Reduced Hours Due to Good Cause**) and §14.6 (Good Cause for Non-Compliance) for further details.

NOTE: In some rare situations, a participant may request an additional activity be added to his or her employment plan that exceeds the 40 hour maximum requirement. For example, the person is working full-time and chooses to go to school in the

MINIMUM HOURLY ACTIVITY REQUIREMENTS**7.6**

evening. The reason for this request is the participant wants additional childcare or other support services that can only be provided by the job counselor in support of an EP. In these situations, a job counselor should use professional discretion in determining the additional activity or hours is appropriate and ensure other polices are not violated (for example, FLSA see §9.3 (Unpaid Employment Activities)). The EP can be written for more than 40 hours provided it was requested by the participant, approved by the job counselor AND it is clearly written in the EP that the additional hours and activity is voluntary.

The rationale for the number of hours in the plan should be documented in case notes.

Do not sanction a participant if the participant is meeting the number of hours required in the participant's employment plan, or the minimum number of hours set forth above, whichever is less. If the plan requires more hours than the participant is achieving, the job counselor should explore the reason for the difference and consider revising the plan.

Do not count transportation time from home to a child care provider, and to and from work or other work activities, toward a participant's hourly requirement. However, count transportation that is a part of the work activity. For example, transportation from the Employment Services office to an interview or between interviews can be counted.

TEEN PARENTS WITHOUT A DIPLOMA OR GED

Minor parents without a diploma or its equivalent and 18- and 19- year old parents who choose a school option meet the minimum participation requirements by attending school. Decide whether to include additional activities, especially in cases where school attendance is less than full time. See §6.3.9 (Requirements for Teen Parents).

EP FOR VICTIMS OF FAMILY VIOLENCE

The number of hours in a plan with a Family Violence Waiver are based on the circumstances of the family and must be agreed to by the participant, Family Violence professional and the job counselor. See §7.12 (Plan for Victims of Family Violence).

EMPLOYMENT PLAN FOR FSS PARTICIPANTS

Due to the flexible nature of Family Stabilization Services (FSS), the number of hours **in the EP** should be based on the needs of the family. When applicable, qualified professionals should be consulted on the appropriate number of hours in an activity.

ORDER OF PREFERENCE FOR ALLOWABLE ACTIVITIES**7.9.3**

When selecting activities to include in an Employment Plan (EP), consider the following criteria:

- With few exceptions, all activities must put the participant on the most direct path to employment.
- All activities in the plan should build upon prior steps.
- All activities must contribute to the participant's overall goal. For most plans, this will be an employment goal. For some EPs for FSS Participants with a Family Violence Waiver, the primary goal may be more related to safety or family and economic stability.

More specifics on the various types of plans and order of preference are outlined below.

EMPLOYMENT PLAN (EP)

When selecting activities to include in an (EP), select activities as high in the following hierarchy of activities as possible:

1. Unsubsidized employment.
2. Job search.
3. Subsidized employment or unpaid work experience.
4. Unsubsidized employment and job readiness education or job skills training.
5. Unsubsidized employment or unpaid work experience and activities related to a family violence waiver or pre-employment needs.
6. Activities related to a family violence waiver or pre-employment activities.

The above hierarchy is intended as a guide as you work with participants to develop Employment Plans. It does not provide specific guidance about what to include in every participant's EP. The assumption behind the hierarchy is that it will not be possible for every participant to work full-time at every point during their time on financial assistance.

NOTE: Any activity listed above may not be achievable without identifying several smaller steps. Transitioning from 1 level of activity to another may also require identifying

ORDER OF PREFERENCE FOR ALLOWABLE ACTIVITIES**7.9.3**

several smaller steps for the participant. The EP must also include these specific steps.

Job Counselors who are working with part-time employed participants are required to discuss training and consider adding it into the plan, if appropriate.

Participants whose Employment Plans contain social and health services should consider the benefits of combining these services with employment.

EMPLOYMENT PLAN (EP) FOR FSS PARTICIPANTS

Employment Plans for FSS Participants have an order of preference which is much more flexible. Although the most direct path to unsubsidized employment continues to be a primary consideration, the plan may or may not include any activities directly related to employment. Activities that stabilize the health or mental health of the participant or stabilize other needs in the family may be the most direct path to unsubsidized employment. In many situations, employment is not feasible without first addressing barriers and issues in the family. There may also be situations where “obtaining SSI” or other overall goal may be more appropriate.

VICTIMS OF FAMILY VIOLENCE

Participants with a Family Violence Waiver may have a modified order of preference, depending on their safety needs. Plans developed for participants with an approved Family Violence Waiver must ensure the safety of the caregiver and children. The plan must include work activities designed to lead to economic stability. The expert trained in domestic violence and the participant determines whether a work activity endangers the safety of the participant and/or children.

For a list of allowable activities, see §7.9 (Allowable Activities).

Victims of family violence may be exempt from the 60-month time limit when they comply with an EP under the Family Violence Waiver Option.

Plans for participants with Family Violence Waivers should include activities designed to lead to economic stability **when these activities do not endanger the safety of the participant or the children.**

DEVELOPING A **PLAN FOR VICTIMS OF FAMILY VIOLENCE**

The EP for a participant with an approved Family Violence Waiver (FVW) must be developed, or revised, with:

- The job counselor.
- The participant.
- A person trained in domestic violence.

See person trained in domestic violence in §3.33 (Glossary: O-Q...).

Every EP for victims of family violence should be:

- Focused on safety first.
- Realistic and achievable.
- Individually created, based on the participant's circumstances.

Development of a plan must include the understanding that participants should contact their job counselor immediately if they are having difficulty complying with the activities in the plan. If issues related to family violence impact the participant's ability to comply, the plan should be revised.

POSSIBLE WORK ACTIVITIES TO BE INCLUDED IN AN EP FOR VICTIMS OF FAMILY VIOLENCE

Use the work activities in §7.9 (Allowable Activities), and levels of work activities in §7.9.3 (Order of Preference for Allowable Activities). The list below is provided as guidance only.

Safety-related items:

- Checking in with a domestic violence advocate.
- Carrying a cell phone (if available).
- Changing phone numbers.
- Changing locks and improving security of building/apartment. (Funding is

sometimes available for these purposes through victim/witness projects.)

- Investigating the possibility of court action (Order for Protection or criminal prosecution).
- Assuring that school or day care is aware of the current situation, and that the abuser is not authorized to pick up the children.
- Setting up code words or arrangements at work to call police if necessary.
- Making a police report.

Other supports:

- Having children work with a children's advocate from the community or battered women's program.
- Providing additional time for counseling appointments or support groups

Employment activities:

- Having independent job search activities, such as searching the Internet, or volunteer work activities in community or school.
- Continuing work, if proper safety precautions are followed by management.
- Changing job sites or duties.
- Changing jobs to a place unknown to the abuser.

NOTE: A participant cannot be required to have or obtain an Order for Protection or to attend counseling when developing a plan. A participant also cannot be required to move away from the abuser.

EXEMPTION FROM 60-MONTH TIME LIMIT

As long as a participant has an approved EP and is complying with it, he/she is exempt from the 60-month time limit. There is no limit on the number of months a participant may be exempt from the time limit. It is **extremely important** that all parties involved inform each other about the status of the plan so that information in the computer systems is current.

APPROVAL OF AN EMPLOYMENT PLAN (EP)

Approval of the plan should only be made after careful consideration and consultation with the participant and the person trained in domestic violence to ensure that decisions made are in the best interest of the participant and children.

REVISING/REVIEWING A FVW EMPLOYMENT PLAN

The purpose of the review is to determine if the activities are still appropriate and the participant is able to safely comply with the plan.

Take into consideration any changes in the participant's safety level, when reviewing the EP. Discuss possible revision or modifications with the client and the person trained in domestic violence. Not all participants will be able to engage in employment work activities. You and county staff will need to rely on the expertise of the person trained in domestic violence and the victim to determine what is appropriate and safe. You must grant "good cause" when incidents beyond the participant's control interfere with their ability to comply with activities mutually agreed to in the plan.

Whenever a plan is developed or revised, you or the county must include the person trained in domestic violence and the participant in determining what activities to be include in the plan.

FAILURE TO COMPLY WITH A FVW EMPLOYMENT PLAN

When a participant fails to comply with the plan, review the plan to determine whether the plan is still appropriate. If the participant is unable to safely comply with activities, the plan should be revised. If the participant is able to comply with activities, but fails to do so, the exemption from the 60-month limit ends and the participant is subject to sanctioning.

For information on non-compliance and sanctions, see Chapter 14 (Non-Compliance & Sanctions).

When the caregiver has a documented disability the job counselor and participant should develop a plan that includes reasonable accommodations. When designing the plan, job counselors should seek input from those professionals who assessed the participant and can evaluate his or her ability to perform the activities in the plan. It is the responsibility of the job counselor to inform all participants of their right to reasonable accommodations per guidance under the Americans with Disabilities Act. See §4.3.9 (Civil Rights and the Americans with Disabilities Act).

EXAMPLES OF EPs

- **Ill or incapacitated for more than 30 days:**
Caregivers in this category should have documentation from a qualified professional on file stating the nature and duration of the illness or incapacity. The plan should be based on this documentation until it is either updated or expires. If the participant is unable to participate for 30 days or more, verification in the file should **document the participant's inability to work 20 or more hours a week**. This plan should include follow through with treatment recommendations, regular meetings with the job counselor, and the date when the verification must be updated.

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

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

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

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

Non-Compliance:

Participants may not be sanctioned for failure to follow through with treatment recommendations. However, a sanction may be imposed for non-compliance

with developing a plan or other activities in the plan (required meetings, maintain contact, verifications, etc.) as long as those activities are within the participant's abilities and necessary accommodations have been made. The participant may also be eligible to claim good cause if unable to meet the requirements of the plan. See §14.6 (Good Cause for Non-Compliance). There are certain provisions that need to be met prior to sanctioning **when:**

- Information has been received that a MFIP recipient may meet FSS Eligibility.
- OR
- Eligibility has been determined that a participant may meet FSS eligibility. See §11.18 (FSS Sanction Provisions).

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

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

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

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

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

Non-Compliance:

Participants may not be sanctioned for failure to follow through with treatment recommendations. However, a sanction may be imposed for non-compliance with developing a plan or other activities in the plan as long as those activities and hourly requirements are within the participant's abilities and necessary accommodations have been made. A participant may have good cause for failure to comply. See §14.6 (Good Cause for Non-Compliance). There are certain provisions that need to be met prior to sanctioning **when there is information that an MFIP recipient may meet FSS eligibility or eligibility has been determined**. See §11.18(FSS Sanction Provisions).

➤ **Participant is needed in the home to care for a disabled household member:**

The plan for participants with verification from a qualified professional should include information about the level of participation that can be reasonably expected from the participant given the family circumstances and the extent to which the caregiver is needed in the home.

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

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

Non-Compliance:

The participant can be sanctioned for non-compliance if he or she fails to cooperate with developing a plan or with activities in the plan that do not interfere with their responsibilities for providing care for the disabled household member. In situations where their plan conflicts due to changes in the needs of the household member, the plan should be modified. Good cause policies remain in effect. See §14.6 (Good Cause for Non-Compliance). There are certain provisions that need to be met prior to sanctioning **when there is information that an MFIP recipient may meet FSS eligibility or eligibility has been determined**. See §11.18 (FSS Sanction Provisions).

MONITORING SELF-EMPLOYMENT

7.33

Work with the participant to develop an Employment Plan (EP). Depending on how the business plan is written, the EP will resemble or incorporate it completely.

Self-employment activities may be included in an employment plan contingent on the development of a business plan which establishes a timetable and earning goals that will result in the participant exiting MFIP assistance. Business plans must be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor.

Participants with an approved plan that includes self-employment must meet the participation requirements. Only hours where the participant earns at least minimum wage will be counted toward the requirement. **Additional activities and hours necessary to meet the participation requirements must be included in the employment plan.**

Work with the county child care office to ensure that child care is provided.

Every 3 months following development of the Employment Plan, work with the participant and the organization responsible for the business plan to evaluate whether self-employment will continue to be the overall employment goal.

Participants who fail, without good cause, to make satisfactory progress as established in the business plan must revise the employment plan to replace the self-employment with other approved work activities.

Take appropriate and timely steps to sanction participants who are out of compliance with their plans.

SELF-EMPLOYMENT

For the definition of self-employment, see §3.39 (Glossary: S...).

All participants should be encouraged to look for employment that will lead to their self-sufficiency. Participants with an approved Employment Plan that includes self-employment must meet the participation requirements. Only the hours the participant earns the federal minimum wage count toward the participation requirements. The number of self-employment hours is determined by dividing the net self-employment income by the federal minimum wage. When the number of self-employment hours is less than the number of hours required for the participant to be included in the numerator, the participant’s employment plan should be revised to include additional countable activities, such as job search, paid employment, or unpaid work experience.

BUSINESS PLANS

Self-employment activities may be included in an Employment Plan contingent on the development of a business plan.

Business plans establish a timetable and earning goals that will result in the participant exiting MFIP. Business plans MUST be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor.

The Standard Self Employment Business Plan (SEBP) was developed based on research on self-employment business plans and in consult with professionals, who have expertise in small business, therefore meets the requirement to seek assistance from an expert in small businesses. If the DHS SEBP is not used, MFIP/DWP participants must seek assistance from an individual or organization with expertise in small businesses as approved by the job counselor.

The SEBP can only be used for the following types of employment:	
<ul style="list-style-type: none"> • In home product sales (Avon, jewelry, etc.) • Personal services (hairdresser, massage, nail care) • Day care in the home • Handyman services • Accounting services 	<ul style="list-style-type: none"> • Paper route • Housecleaning service • Taxi driver • Miscellaneous services

SELF-EMPLOYMENT**8.6**

Participants who are already self-employed when they are referred to Employment Services should be offered the opportunity to work with an organization with staff **trained** to assist in the development of business plans. The business professional should offer these participants suggestions on how to revise their business plans so they result in greater profitability and a level of income that would allow the family to leave assistance. Those who do not want to access these services should work with the job counselor to determine other ways to move toward greater self-sufficiency. For information on handling plans for farming, see §6.3.3 (Contents of an Assessment), §7.3 (Employment Plan (EP)).

Business Plans are not intended to replace the need for an Employment Plan. The Business plan must be used in conjunction with the Employment Plan which is required for all MFIP/DWP participants §7.3 (Employment Plan (EP)).

Revise the Employment Plan for participants who fail without good cause, to make satisfactory progress as established in their business plan and replace self-employment with other approved work activities.

NOTE: When 1 parent in a 2-parent family is self-employed, he/she may employ the other parent (regardless of marital status). However, wages will be counted against the MFIP grant and **but** cannot be deducted as a business expense in the grant calculation. This means the family **may** be better off if both parents are not jointly self-employed. Job counselors should contact the financial worker for help determining the financial impact on the family.

ORGANIZATIONS THAT WORK WITH SMALL BUSINESS OWNERS

The U.S. Small Business Administration assists small businesses to start up and grow. The MN District office offers free counseling and technical assistance, pre-business planning workshops and information on starting and managing a small business through the Small Business Development Centers, Women's Business Centers, The Business Information Center, Tribal Business Information Center and SCORE. A full range of financial assistance programs is also available. Links to various resources are below:

- Minnesota Small Business Development Centers
<http://www.bplans.com/sb/index.cfm?a=state&s=mn>
- SCORE
<http://www.scoremn.org/>

SELF-EMPLOYMENT

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- University Of St. Thomas/Small Business Development Center
<http://www.stthomas.edu/sbdc/>
 - Small Business Resource Guide/Minnesota
<http://www.sba.gov/category/navigation-structure/starting-managing-business/starting-business>
 - DEED Small Business Development Centers
<http://www.mnsbdc.com/>
 - Tribal Business Information Centers
<http://www.sba.gov/content/native-americans>

RENT IN RETURN FOR WORK

If families can produce either a check stub or statement from the landlord indicating that they have worked in exchange for rent reduction, the household can count the earnings as earned income. Hours of participation are calculated using the self-employment method outlined above. These hours will be taken from MAXIS. Code Workforce One (WF1) as either part-time or full-time employment. A business plan is not needed.

If the family makes a good faith effort to receive the rent reduction as cash or to produce evidence that they are working in exchange for rent and are unable to do either, the earnings are considered “in-kind” income and are not counted against the grant. The Job counselor can code this as unpaid work experience if it can be shown that participation in this activity is a meaningful activity that will provide marketable job skills and will assist the client in obtaining paid employment in the future. For verification and documentation requirements, see Chapter 8 (Paid Employment Activities).

INJURY PROTECTION PROGRAM**9.6**

Use the instructions below to determine payment of any claims resulting from an alleged injury or death of a person participating in a county or a tribal unpaid work experience program that is approved **by the Commissioner of DHS** and operated by:

- The county agency.
- The tribe.
- A department of the state.

OR

- A community-based organization under contract, prior to April 1, 1997, with a county agency to provide a community work experience program or a Food Support community work experience program, provided the organization has not experienced any individual injury loss or claim greater than \$1,000.

This determination method is available to the community-based organization identified in the 4th bullet above only for claims incurred by participants in the community work experience program, unpaid work experience, or the Food Support Community Work Experience Program.

Injury Protection Program (IPP) covers unpaid work experience for the following programs:

- MFIP including CWEP.
- DWP.
- FSET.
- Tribal unpaid work experience.
- Other unpaid work experience programs approved by the Commissioner of DHS.

NOTE: Do not use IPP to cover volunteer placements with employers who have other volunteers, or volunteer positions, that are, or should be, covered under workers' compensation. If you have questions or concerns about a client's placement and whether Minnesota Workers' Compensation laws covers the work site, contact the Department of Labor and Industry customer assistance line at 651-284-5030 or 800-342-5354.

INVESTIGATION OF THE CLAIM

Claims must be investigated by the county agency or the tribal program responsible for supervising the work to determine whether the claimed injury occurred, whether the claimed medical expenses are reasonable, and whether the loss is covered by the claimant's insurance. If insurance coverage is established, the county agency or tribal program shall submit the claim to the appropriate insurance entity for payment. However, medical bills associated with work related injuries should not be submitted to medical assistance. The investigating

INJURY PROTECTION PROGRAM**9.6**

county agency or tribal program shall submit all valid claims, in the amount net of any insurance payments, to the Department of Human Services. Claims should not be submitted to the Department of Human Services until **the treatment has been completed and** all bills associated with the work related injury have been received.

SUBMISSION OF CLAIM FOR PERMANENT PARTIAL DISABILITY COMPENSATION

The Commissioner shall submit all claims for permanent partial disability compensation to the Commissioner of Labor and Industry. The Commissioner of Labor and Industry shall review all submitted claims and recommend to the Department of Human Services an amount of compensation comparable to that which would be provided under the permanent partial disability compensation schedule of Minnesota Statutes, Section 176.101, subd. 2a.

CLAIMS LESS THAN \$1,000

The Commissioner shall approve a claim of \$1,000 or less for payment if appropriated funds are available, if the county agency or tribal program responsible for supervising the work has made the determinations required by this section, and if the work program was operated in compliance with the safety provisions of this section. The Commissioner shall pay the portion of an approved claim of \$1,000 or less that is not covered by the claimant's insurance within 3 months of the date of submission.

CLAIMS MORE THAN \$1,000

On or before February 1 of each year, the Commissioner shall submit to the appropriate committees of the Senate and the House of Representatives a list of claims in excess of \$1,000 and a list of claims of \$1,000 or less that were submitted to but not paid by the Commissioner, together with any recommendations of appropriate compensation. These claims shall be heard and determined by the appropriate committees of the Senate and House of Representatives and, if approved, must be paid under the legislative claims procedure.

COMPENSATION FOR CERTAIN COSTS

Compensation is limited to reimbursement for reasonable medical expenses and permanent partial disability compensation for disability in like amounts as allowed in Minnesota Statutes, Section 176.101, subd. 2a. Compensation for injuries resulting in death shall include reasonable medical expenses and burial expenses in addition to payment to the participant's estate in an amount up to \$200,000. No compensation shall be paid under this section for pain and suffering, lost wages, or other benefits provided in Minnesota Statutes,

INJURY PROTECTION PROGRAM**9.6**

Section 176. Payments made under this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under Minnesota Statutes, Section 256B or the general assistance medical care program authorized under Minnesota Statutes, Section 256D.

EXCLUSIVE PROCEDURE

This procedure is exclusive of all other legal, equitable, and statutory remedies against the state, its political subdivisions, or employees of the state or its political subdivisions. The claimant shall not be entitled to seek damages from any state, county, tribal, or reservation insurance policy or self-insurance program.

INVALID CLAIMS

A claim is not valid for purposes of this section if the county agency responsible for supervising the work cannot verify to the Commissioner:

- That appropriate safety training and information is provided to all persons being supervised by the agency under this section.

AND

- That all programs involving work by those persons comply with federal Occupational Safety and Health Administration and state Department of Labor and Industry safety standards.

A claim that is not valid because of failure to verify safety training or compliance with safety standards will not be paid by the Department of Human Services or through the legislative claims process and must be heard, decided, and paid, if appropriate, by the local government unit or tribal program responsible for supervising the work of the claimant.

FORMS REQUIRED FOR FILING A CLAIM

The following forms are required to file an Injury Protection claim for unpaid work experience participants. The forms are created so you may type the information directly onto the form before printing:

- Injury Protection Program (IPP) - Participant Information & Authorization to Release Medical Information (DHS-3994).
- Injury Protection Program (IPP) - First Report of Injury (DHS-3995).

INJURY PROTECTION PROGRAM

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- Injury Protection Program (IPP) - Participant Medical Referral and Medical Care Provider Information Letter (DHS-3996).
 - Injury Protection Program (IPP) - Participant Injury Status Report (DHS-3997).

NOTE: The client must also receive a copy of the Notice of Privacy Practice (DHS- 3979).

The Employment Services Provider must verify hours of unpaid employment activity in order to count these hours toward the work participation rate.

A time sheet or similar attendance document must be used to document hours a participant is engaged in an unpaid employment activity. The document used to verify hours of participation must include the days and number of hours worked each day.

Time sheets or other attendance documents must be submitted to the employment services provider no less than monthly. Verify work hours by reviewing the time sheet or other attendance documents.

Time sheets or attendance documents must be signed by a supervisor in order to be an acceptable form of documentation for unpaid employment activities. When a participant submits an unsigned time sheet or other attendance document, the employment services provider must contact the work site to verify the hours are correct or have the participant obtain the necessary signature in order for the hours to be countable. A signed release of information from the participant must be obtained prior to contacting the unpaid employment activity supervisor. When hours are verified by contacting the work site, an employment services staff person must sign the time sheet or attendance document and enter a case note in the participant's file.

The number of hours a participant provides child care for another MFIP participant who is participating in a community service program must be verified in order for the hours to count towards the work participation rate.

For participants who provide child care to another MFIP participant in a community service program unpaid position, it is necessary to obtain a statement that supports the hours the participant provides child care. Acceptable documentation includes a statement from the participant in a community services program or another individual who has knowledge of the time spent providing child care. The document used to support the hours must be submitted to the employment services provider no less than every two weeks.

A statement from the MFIP participant who provides the child care is not an acceptable form of verification for this activity. An employment services provider that receives a statement or other document that is not signed by the participant who is participating in the community service program or other responsible individual must confirm with the participant in a community services program that the hours are correct in order for the hours to be countable. The employment services provider must write a case note to document the verification of hours.

DAILY SUPERVISION OF UNPAID EMPLOYMENT ACTIVITIES

Require participants who are engaged in **unpaid employment activities** to be supervised on an ongoing basis no less frequently than daily. Daily supervision means participants have an assigned supervisor they report to daily, preferably at the work site. Supervision includes developing and overseeing the participant's work schedule and assignments. An employer, work site sponsor or other responsible individual, such as an employment services staff person, can provide daily supervision of the participant in an unpaid employment activity.

NOTE: DHS recommends development of a written agreement between the work site and the employment services provider that specifies the party responsible for providing daily supervision of a participant engaged in an unpaid employment activity.

Require participants who are **providing child care to another MFIP participant who is participating in a community service program** to be supervised on an ongoing basis no less frequently than daily. Supervision may be by a responsible individual, such as an employment services provider staff person. The employment services provider and the participant must develop an agreed upon employment plan that lists the days and hours the participant will be providing child care for another MFIP participant who is in a community service program.

TRACKING UNPAID WORK HOURS (WF1)

Record the actual number of hours the participant is engaged in an unpaid work activity each week. When the total monthly hours **equals** the maximum number allowed under the FLSA, DHS will report the additional "deemed" hours (behind the scene). Do NOT record the "deemed" hours on WF1. See §9.3 (Unpaid Employment Activities).

Most caregivers will participate in job search **and job readiness** activities (JS/JRA) at some point during their involvement with Employment Services. Job search is an important and central activity that should be designed not just to help locate a job, but also to prepare participants for work. See §9.12.3 (Structured Job Search). **Under MFIP policy, JS/JRA is a permissible activity in a participant's employment plan regardless of whether the JS/JRA hours count towards the TANF Work Participation Rate requirement.**

TANF WORK PARTICIPATION RATE

For the purposes of meeting the TANF work participation rate, 120 or 180 hours only of job search is counted as a core activity. According to the TANF regulations, effective October 1, 2008, job search and job readiness is calculated differently.

120 or 180 Hour Job Search 12-Month Limit

The JS/JRA limits are now defined in hours instead of weeks. The maximum number of hours of JS/JRA that count as a TANF Core Activity for a single parent family with a child under the age of 6 is 120 over a 12 month period. For all other families, the maximum number of JS/JRA hours that count as a TANF Core Activity is 180 hours over a 12-month period.

12-Month Period

The period of time used to determine the 120 or 180 hour job search JS/JRA limit (for example, the 6-week limit) was changed to a revolving 12-month period (11 preceding months, plus current month). It is no longer based on the federal fiscal year.

NOTE: On October 1, 2008, every participant starts this new revolving 12-month period with a full allocation of JS/JRA hours available. No JS/JRA hours/weeks reported in the 11 preceding months are carried forward.

Four Consecutive Week Limit and Definition of a "Week"

The TANF rule that prohibits states from counting a participant's JS/JRA hours for more than 4 consecutive weeks remains in effect. JS/JRA hours tracked in a 5th consecutive week cannot be reported as JS/JRA in the TANF Work Participation Rate report. A JS/JRA week is defined as Sunday through Saturday. All JS/JRA hours from a week are included in the TANF Work Participation Rate report based on the Saturday's date. For example, a week is Sunday, October 26 through Saturday, November 1. All JS/JRA hours from that week (October 26 through November 1) are reported in the November TANF Work Participation Rate report since Saturday's date is November 1. Continue to track hours on WF1 in the month the activity was done. Determining the "week" is done behind the scenes.

Hours not captured as core hours

Any hours reported as JS/JRA that do not help make the participant rate in a given month will be reported under the “Other Work Activities” category behind the scenes.

Keeping track of the 120/180 JS/JRA limit - Role of employment service provider

Some of the above changes to the JS/JRA activity affect how DHS reports JS/JRA hours in the federal TANF Work Participation Rate report. These reporting changes, which are intended to maximize the use of JS/JRA as a countable activity, should not dictate how the services are provided to program participants.

Employment counselors will not know when a participant has met the job search limit. Do not write employment plans with participants in an attempt to maximize the work participation rate. Employment counselors must use their professional judgment in determining the activities that are included in each participant’s employment plan with the goal of increasing the family’s economic stability. Whether or not a participant has exhausted the maximum number of countable JS/JRA hours should not be the basis for determining whether that participant’s employment plan should continue to include JS/JRA activities. An employment counselor should continue to include JS/JRA in a participant’s employment plan when JS/JRA is an appropriate activity for the individual.

MFIP POLICY**JOB SEARCH (Core Activity for 120/180 hours a year)**

This activity is used for both the initial job search and all subsequent periods of job search.

This includes:

- Job search. Includes filling out applications, submitting resumes, attending interviews with employers, as well as job clubs, job readiness and job placement.
- Job readiness. Includes preparing a resume or job application, training in interviewing skills, instruction on appropriate attire and behavior on the job, effective job seeking as well as life skills training.
- Job readiness assistance for Chemical Health Treatment, Mental Health Treatment and Rehabilitation Services.

Counties and Employment Services Providers should ask for the least amount of information necessary to verify hours of participation.

JOB SEARCH ACTIVITIES**9.12**

NOTE: Although Chemical Health treatment, Mental Health Treatment and Rehabilitation Services are subject to the **120/180 hours limit** for reporting purposes (with no more than 4 of the weeks being consecutive), the actual length of time services are allowable will be determined by a qualified professional based on the participant's needs.

FIRST 6 WEEKS OF JOB SEARCH

Completion of the initial 6-weeks of job search is MFIP policy. This policy is NOT defined as 120/180 hours but rather calendar weeks. There is no provision to drop the 5th consecutive week.

At enrollment in Employment Services, participants that you determine possess sufficient skills to succeed in obtaining unsubsidized employment must job search at least 30 hours per week for up to 6 weeks, and accept any offer of suitable employment. Additional work activities necessary to meet hourly requirements should also be included in the Employment Plan (EP). The goal is to actively engage each participant in **intensive** job search activities that meet the minimum requirements of §7.3 (Employment Plan (EP)). Job search activities should be tailored to meet local economic conditions, and the participant's individual needs when possible. See §9.12.3 (Structured Job Search). Participants who are unable to find suitable employment after 6 weeks must complete the MFIP Self Screen (DHS-3482) and the Brief Screening Tool for Special Learning Needs (DHS-3504), and meet with a job counselor to determine whether other activities should be incorporated into the plan. See §6.3.3 (Contents of an Assessment) and §6.3.12 (Chemical/Mental Health/Learning Needs Screening).

Upon agreement by the job counselor and the participant, an Employment Plan may limit a job search to jobs that are consistent with the participant's employment goal. Participants may search for any currently available job that matches their current skills and abilities. For example, a participant with graphic arts skills and/or experience may limit job search to businesses that hire graphic artists, as long as there are jobs currently available in those firms. However, if the participant is unable to obtain employment among the firms with current openings, the search must be expanded to other employers with current openings, regardless of whether the job matches the participant's interests, skills, or training. Make clear to participants when the job search must be expanded to include other employers and what constitutes "suitable employment".

JOB SEARCH AFTER 6 WEEKS

Job Search activities which are continued after 6 weeks must be structured and supervised. Participation in job search activities beyond 6 weeks should be continued as necessary, and recorded in Workforce One (WF1), even though these hours do not count toward the participation rate. It may also be necessary to add job search into an EP at a later time for

participants who were initially determined unable to obtain unsubsidized employment, after a job loss, or for participants who are not meeting participation requirements though unsubsidized employment after completion of an education or training activity. See §9.12.3 (Structured Job Search).

Job search activities may be terminated or reduced if it becomes obvious that the job search is not appropriate or the participant is having difficulty successfully following through with activities in the Employment Plan. Revisions of the plan should take into account relevant issues identified during any additional assessment and any changes in circumstances.

NOTE: In some cases up to half the hourly requirements in a participant's Employment Plan may be English as a Second Language (ESL), Functional Work Literacy (FWL), GED or Adult Basic Education (ABE) activities. For more information on policies and limits for these activities, see §9.24 (Basic Education or GED), §9.30 (ESL & Functional Work Literacy (FWL)).

BASIC EDUCATION OR GED**9.24**

Although many participants may be able to find a job with the skills they possess when they enter the program, in some circumstances Adult Basic Education (ABE) or GED classes are appropriate.

NOTE: Track Adult Basic Education (ABE), English as a Second Language (ESL) and Functional Work Literacy (FWL) training in the respective or corresponding category in Workforce One (WF1). ABE, ESL, and FWL will be reported on the TANF report to the federal government as non-core (job skills training directly related to employment). This will be done by DHS and will not require additional coding by Employment Services Providers or counselors.

HIGH SCHOOL COMPLETION (Non-Core Activity)

This activity is used for all participants who take classes that will earn credits necessary for a high school diploma. **For information on study time, see §9.33 (Education/Training Documentation & Verification).** Participation hours for teen parents under 20 who do not have a high school diploma is coded in MAXIS as either full-time, part-time or half-time students. Teen parents automatically meet the participation requirement when they are coded in any of these and have at least one hour of school activity tracked per week. Track hours on WF1 for participants including students under 18. For teen parent requirements see §6.3.9 (Requirements for Teen Parents).

GED CLASSES (Non-Core Activity)

This category is for all participants who take classes necessary for a high school equivalency certificate (GED). **For information on study time, see §9.33 (Education/Training Documentation & Verification).** No more than 1/2 of the participation requirements in the Employment Plan may be met through GED training. Participation hours for teen parents under 20 who do not have a high school diploma or GED are coded in MAXIS as either full-time, part-time or half-time students. Track hours on Workforce One (WF1) for all participants taking classes for a General Educational Development (GED).

ADULT BASIC EDUCATION (ABE) (Non-Core Activity)

Courses of instruction designed to improve the employability of the students through instruction in reading, math, language, and workplace readiness. Remedial education involves repetition of such instruction previously given to the participant. Under state law, participants must have reading or math skills below the 9th grade level for ABE to be an approved work activity. **For information on study time, see §9.33 (Education/Training Documentation & Verification).** No more than 1/2 of the participation requirements

contained in the Employment Plan may be met through ABE training.

Skills training provided by county, Workforce Center or other Employment Services Provider (for example, computer basics, keyboarding and communication skills/getting along with co-workers) should be tracked in job skills training directly related to employment.

In order to include ABE or GED in an Employment Plan (EP), the following criteria must be met:

- With the exception of classes related to obtaining a General Educational Development (GED), participants must have reading or mathematics proficiency below the 9th grade level in order for ABE classes to be an approved work activity.
- When ABE or GED is included in an EP, participants may fulfill no more than half the required hours through these activities.

Prior to including basic education in an Employment Plan, discuss with the participant:

- The participant's interest and motivation to be in school.
- The participant's history of participation and progress in similar educational activities.
- Whether there is a reasonable expectation that the participant will make sufficient improvement in a short time to noticeably increase his/her marketability.
- Any intellectual impairments or learning disabilities which may indicate the need for more specialized services.
- What other activities will fulfill the remaining required hours.

Approve basic education in blocks of 3 months or less to allow for a review of progress prior to continuation of the activity.

The number of hours of education and training activities MUST be verified in order for the hours to count towards meeting the work participation rate.

When skills training is conducted **on-site** at the employment services office or a Workforce Center, the training schedule along with attendance records, including monitored study time, is acceptable documentation of participation hours. Attendance record must include dates and hours of training activities for each participant. Verify participation hours by reviewing the training schedule and attendance records.

For all other education and training activities except secondary school, a statement or **monthly** schedule from the educational institution or training provider, activity logs, and signed statements or attendance records are acceptable documentation of participation hours.

Obtain statements and schedules from high schools, alternative schools and postsecondary institutions at the beginning of each quarter or semester. Obtain statements and schedules from all other education and training institutions at least once per month.

Participants in post-secondary education should record dates and hours of attendance on an activity log. The log must be submitted **no less than monthly** and signed by school official. Verify participation hours by reviewing the activity log and the progress reports and grades issued by the institution.

Participants in ABE, ESL, and FWL must submit a signed statement, attendance record from the instructor or group attendance sheet must be submitted **no less than monthly**. If the instructor or education provider will not provide documentation **monthly**, the participant should record dates and hours of attendance on an activity log that is submitted **no less than monthly**, followed by a signed statement or attendance record submitted at least once per month. Unsigned statements and attendance records are not an acceptable form of documentation. Employment services providers may return unsigned documentation to the participant to obtain a signature, or they may contact the instructor if there is a signed release of information. If the employment services provider contacts an instructor, a case note should be included in the participant's file.

NO SIGNATURE REQUIRED ON ELECTRONIC ATTENDANCE RECORDS

Job skills training directly related to employment electronic attendance records that list the participant's name, the actual number of hours of participation each day, and the name of the job skills training directly related to employment provider do not need to include a signature of a responsible individual.

DAILY SUPERVISION OF EDUCATION AND TRAINING

Require participants who are engaged in education and training activities to be supervised on an ongoing basis no less frequently than daily. Supervision may be provided by a representative of the education or training institution, or another responsible individual, such as an employment services staff person. Supervision for all education and training activities, including secondary education, includes at least a bi-weekly telephone or in-person contact.

STUDY TIME

In order to count any hours of study time, the employment services provider must receive a statement from the Vocational Educational Training provider or course instructor (including baccalaureate and advanced degree education programs) which specifies the amount of study time that is required or advised in order to make satisfactory progress or complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. The amount of study time that is accepted by the employment services provider must be documented on the activity log or in a case note.

SOCIAL SERVICES ACTIVITIES

9.39

This section includes social services as well screening and assessments that can lead to participation in social services. Hours tracked in these activities are **not countable** towards the participation rate.

NOTE: Chemical health, mental health or rehabilitation services may be counted as part of the first 6 weeks of “job readiness”. See §9.18 (Job Search/Job Readiness Documentation & Verification).

ASSESSMENT (Other Allowable Activity)

Assessment means the continuing process of gathering information related to employability. Although assessments may identify barriers to employment, the focus and tone should be based on identifying each participant’s strengths. See §6.3.6 (Strengths-Based Approach). **Also track as assessment when the participant is involved or engaged in an assessment related activity, including activities associated with:**

Initial assessment:

- Orientation and overviews;
- Employability Measure; and
- Employment Plan Development

Formal assessment:

- Educational assessments;
- Vocational assessments;
- Psychological assessments; and
- Medical assessments

Continuous assessment:

- Periodic check-ins (non JS related);
- Updating Employment Plans;
- Retention Services;
- Crisis Management; and
- Avoiding/Curing sanctions

SCREENING (Other Allowable Activity)

This activity includes using the MFIP Self-Screen ([DHS-3482](#)) and the Brief Screening Tool for Special Learning Needs ([DHS-3504](#)).

PARTICIPATING IN SOCIAL SERVICES (Other Allowable Activity)

This activity is used for participants who are involved in all forms of social service interventions. Possible interventions include: child protection, chemical dependency assessment or treatment, mental health assessment or treatment, assessment for learning disabilities, domestic violence services.

For participants engaged in social service activities that are not being tracked for job readiness under “Job Search” in Workforce One (WF1), document the following social service interventions:

- Treatment plans.
- OR
- Chemical Dependency or Mental Health services.
- OR
- Counseling.
- OR
- Meeting with advocates.
- OR
- Child protection.

These activities should be documented by the participant on their activity log. Although it is not required that the professionals working with the participant sign the activity log it is seen as good practice.

Hours of Social Services being reported as Job Readiness Assistance for each participant engaged in these activities must be documented and verified in order for the hours to count towards the work participation rate. You must have a signed release to communicate with the social service provider.

Acceptable documentation for the weekly check-in is a case note in the participant’s file or an indication on the activity log that the check-in was satisfactorily completed for each/all activities.

When daily supervision is not required, a general guideline for checking in with the participant is no less than monthly. If you have reason to check in less frequently, document the reason in a case note.

DAILY SUPERVISION OF SOCIAL SERVICE ACTIVITIES

Daily supervision **may or may not be required** for someone who is in Social Service activities.

Require participants who are engaged in Social Services being tracked as Job Readiness (“Job Search” on WF1) to be supervised no less frequently than daily. Daily supervision can be provided by the service treatment provider, an employment services staff person, or other responsible individual.

At a minimum, daily supervision means the employment counselor and participant must have developed an agreed upon schedule of daily activities. For mental health, substance abuse, or rehabilitation activities, hours will be based on the recommendations or treatment plan signed by a qualified health professional, and/or a schedule of group meetings.

Supervision also includes at least 1 in-person or phone check-in each week. During the check-in, the participant and the employment counselor must review progress, identify support service needs, and make any necessary changes in the schedule of activities.

Do **not require** daily supervision if the participant is only engaged in Social Service activities and is not being tracked for Job Readiness in WF1 under “Job Search”. Follow up with the participant no less than monthly. Update the Employment Plan at least every 3 months. If the Employment Plan warrants less frequent contact, case note why less contact is required and how often the follow-up will occur.

EXAMPLE 1: A participant has a family violence waiver **and is receiving Family Stabilization Services (FSS)**. The **Employment Plan for FSS participants**, written with the advocate only includes safety activities. This does not fit the definition of job readiness nor are there activities that can be tracked in any other category. **There is no requirement of daily supervision**. Follow up should be provided no less than monthly with the participant and the Employment Plan should be updated every 3-6 months.

EXAMPLE 2: A participant has a family violence waiver **and is receiving Family Stabilization Services (FSS)**. The **Employment Plan for FSS participants**, written with the advocate includes safety activities, job search, and mental health counseling. Job search should be tracked under “Job Search” in WF1. The counseling can be tracked under “Job Search” because it fits the definition of “Job Readiness”. The safety activities should be tracked in “Social Services”. **In this case daily supervision of counted activities is required.**

HOLDING & OTHER ACTIVITIES**9.45**

Hours tracked in these activities are **not countable** towards the participation rate.

HOLDING (Other Allowable Activity)

This non-activity temporarily places a participant in “suspension”. Holding is commonly used to allow some time to pass before anticipated entry into another activity. It is also recommended to use this when someone already enrolled in MFIP takes the 12 week exception, in order to avoid a new referral process.

HOLDING – SANCTION (Other Allowable Activity)

This non-activity is used when a participant is in sanction status for non-cooperation with MFIP Employment Services.

OTHER (Other Allowable Activity)

This activity is used to track hours for activities not included in other activity categories. Efforts to stabilize the family by securing suitable housing, doctor appointments, etc. may be included.

HOLDING & OTHER ACTIVITIES DOCUMENTATION & VERIFICATION 9.45.3

The following is a list of mandatory verification for Holding and Other activities:

- Holding. Document in case notes why the Holding activity is being used. **If appropriate open identifier to indicate reason for use of Holding activity.**
- Holding Sanction. Copies of the Notice of Intent to Sanction should be in the case as well as any other supporting case notes documenting the reason for the sanction. Attempts to contact the participant to discuss how to cure the sanction should also be documented in case notes. Although the participant may choose not to respond to your contacts, continue contact at least once per month.
- Other. Document in case notes why the other activity is being used. Hours of activity should be tracked on an activity log and recorded in Workforce One (WF1). **If appropriate open identifier to further identify Other activity.**

DAILY SUPERVISION

Daily supervision is not a requirement for these activities.

It is not uncommon for participants in the “Other” activity to have a plan that has multiple activities. Department of Human Services (DHS) recommends follow-up on the “Other” activities at the same time you are checking in with the rest of the plan.

IDENTIFIERS**9.51**

This is a function in the Workforce One (WF1) system that provides a means for Employment Services to keep track of additional characteristics of a case. Additional information about a plan type, person, or activity can be collected by using identifiers. Identifiers are found on the activity page under the program tab and can be entered in 3 places:

- On the identifier table.
- As part of entering an activity.
- As part of entering an Employment Plan.

Close the identifier when it no longer applies to the participant or the case closes.

You may have zero to many identifiers.

IDENTIFIERS THAT FURTHER DESCRIBE THE PLAN TYPE OR A CHARACTERISTIC OF THE PERSON

Mental Health (MH) Diagnosis - Use this identifier when the participant is diagnosed with a mental health condition. This identifier will be used most likely in conjunction with the Hard to Employ FSS plan type, but could also be used with any other plan type including “Employment Plan”. People with mental health issues can successfully work and fully participate in work activities.

Developmental Disability (DD) - Use this identifier when the participant is diagnosed with a developmental disability. The diagnosis of mental retardation (MR) is included here. This identifier will most likely be used with the Hard to Employ FSS plan type, but could also be used with any other plan type, including “Employment Plan”. People with developmental disabilities can successfully work and fully participate in work activities.

Learning Disability (LD) - Use this identifier when the participant is diagnosed with a learning disability. This identifier will most likely be used with the Hard to Employ FSS plan type, but could also be used with any other plan type, including “Employment Plan”. People with learning disabilities can successfully work and fully participate in work activities.

Low IQ - Use this identifier when the participant is diagnosed with an IQ under 80. This identifier will most likely be used with the Hard to Employ FSS plan type, but could also be used with any other plan type, including “Employment Plan”. People with low IQs can successfully work and fully participate in work activities.

Physical Illness/Incapacity - Use this identifier when medical treatment for an illness or incapacity is expected to last 30 days or more. This identifier will most likely be used with the FSS – Ill or Incapacitated plan type, but could also be used with any other plan type, including “Employment Plan”. People with physical illness/incapacity can successfully work and fully participate in work activities.

Unemployable - Use this identifier for a participant who meets the definition of “unemployable”. The definition can be found in the current extension policy, §13.18.12 (Unemployable Extension Criteria). This is the only identifier that is associated with a plan type and is not a diagnosis. Department of Human Services (DHS) recommends the use of this identifier only if the person has been found eligible for the Hard to Employ – Unemployable category (FSS/extended & pre 60 month FSS). See §13.18 (Hard To Employ Extensions).

IDENTIFIERS THAT FURTHER DESCRIBE THE ACTIVITY OR OTHER SPECIAL CIRCUMSTANCE:

Child Under 12 Months Exemption - Use this identifier when the participant is using the **child under 12 month exemption**. This will primarily be used with the “Holding” activity.

Chemical Dependency (CD) Assessment - Use this identifier when a participant agrees to complete a CD assessment in his/her employment plan. This identifier can be opened when the CD assessment is put into the Employment Plan. Close it when you receive the assessment. If the participant does not follow through with completing the assessment, close the identifier, put “unsatisfactorily” completed and write in comments that they did not follow through. This will primarily be used with the “Job Search”, “Assessment”, or “Social Services” activities.

Mental Health (MH) Assessment - Use this identifier when a participant is scheduled for and completes an assessment. This identifier can be opened when the MH assessment is put into the employment plan. This identifier can be closed when you receive the assessment. If the participant does not follow through with completing the assessment, close the identifier, put “unsatisfactorily” completed and write in comments that they did not follow through.

Use in conjunction with “Job Search”, “Assessment”, or “Social Services” activities.

Mental Health (MH) treatment - Use this identifier when the participant has agreed to mental health treatment as part of the Employment Plan. This includes but not limited to: counseling, in-patient or out-patient mental health services, and support groups.

Use in conjunction with the “Job Search” or “Social Services” activities.

Chemical Health (CD) treatment - Use this identifier when the participant has agreed to do CD treatment as part of the Employment Plan. Close it when all treatment is completed. Include Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings here as well.

Use in conjunction with the “Job Search” or “Social Services” activities.

Self Screen - This is the **MFIP Self Screen** for mental and chemical health issues. When you administer this screening, open and close this identifier the same day. Hours (or minutes in this case) for this should be captured in whichever activity you are using for the appointment, typically “Job Search”, “Assessment”, or “Social Services”. This simply documents that the screening has been completed.

Learning needs screen - This is the **Brief Screening Tool for Special Learning Needs**. When you administer this screening, open and close this identifier on the same day. Hours (or minutes in this case) for this should be captured in whichever activity you are using for the appointment, typically “Job Search”, “Assessment”, or “Social Services”. This simply documents that the screening has been completed.

Rehabilitation Services - Use this identifier when a participant has been referred to Rehabilitation Services (RS). This identifier can be opened when the referral is made to RS and can be left open throughout the eligibility determination process. Close this if the RS Counselor finds them ineligible for services, puts them on a waiting list, or discontinues services with the participant.

Use in conjunction with the “Job Search” or “Social Services” activities.

Child protection - Use this when a participant is working with child protection and you have included activities related to child protection in the Employment Services Plan.

Use in conjunction with the “Social Services” activity.

Medical treatment - Use this when a participant has an illness or incapacity expecting to last 30 days or more and the Employment Plan includes medical treatment activities such as medical appointments, physical therapy, dialysis, etc. Use in conjunction with the “Other” activity.

Safety activities - Use this identifier when a participant has a Family Violence Waiver. This identifier will be for specifics in the Plan related to the violence such as meeting with the domestic violence advocate, doing activities through a battered women’s shelter, participating in domestic violence support groups, etc.

Bachelor’s degree - Use this identifier when the participant is in an approved education plan to complete a bachelor’s degree.

Use in conjunction with the “Job Skills Training Directly Related to Employment” activity.

Advanced degree - Use this identifier when the participant is in an approved plan for obtaining an advanced degree such as a master’s degree or certificate. (For example, a certificate might be a teaching certificate).

Use in conjunction with the “Job Skills Training Directly Related to Employment” activity.

CWEP - Use this identifier for a particular participant after exhausting other employment opportunities, including opportunities to participate in other work activities. This means that as a condition of making a CWEP placement the participant must first be provided with:

- An opportunity for placement in suitable subsidized or unsubsidized employment through participation in job search.
- OR
- Placement in suitable employment through participation in On-The-Job Training, if such employment is available.

Use in conjunction with the “Community Service” activity.

Housing – Use this identifier when the participant is homeless and their employment plan includes looking for housing.

Use in conjunction with the “Other” activity.

Supported Work – Use this identifier for a participant who is in a supported work position.

You play a critical role in helping participants' access child care funds necessary to work, search for work, or participate in other activities that support progress toward an employment goal.

Parents should get information from their financial worker or other county staff on how to locate child care providers and access funds prior to participating in Employment Services (ES).

Identify necessary hours of child care, both for employment and other activities, in the Employment Plan (EP). You will also have primary responsibility for monitoring participation in activities for which child care is authorized, with assistance from child care staff and financial workers. Caregivers should not be required to report the same information to more than 1 staff person. Staff has a responsibility to share information affecting child care assistance with all other affected staff.

Child care assistance for MFIP participants is available through the child care fund as follows:

- Participants and child care providers must meet the requirements of the child care fund.
- Child care assistance is available to support clients for participating in authorized activities in MFIP.
- Approved child care expenses, minus the parent's co-payment fee, are paid by Child Care Assistance.
- Child care assistance to support social service activities is available if included in an EP.

NOTE: The parent co-payment fee is \$5 per month for families with income between 75% and 100% of the Federal Poverty Guideline (FPG) for the applicable family size. Once the family's income is above 100% of the FPG, the child care fund sliding fee schedule is used. For co-payment charts for all income levels and household sizes, refer to DHS Bulletin [#10-68-14](#) (DHS Announces Copayment Schedules for the Child Care Assistance Program).

CHILD CARE ASSISTANCE FUND

Child care assistance for families receiving MFIP cash assistance operates as a fully funded program. In general, MFIP participants may receive child care assistance necessary to:

- Attend an orientation.
- Attend an overview.
- Develop an Employment Plan (EP).
- Comply with activities in an Employment Plan (EP).
- Attend assessments.

Child care assistance must be authorized for any activities included in the EP. These could include such activities as counseling or treatment instead of, or in addition to, work activities such as employment, job search, education and vocational training.

While child care for employment and job search is available to all MFIP participants, child care for education/training or other approval activities is only available after enrollment in MFIP Employment Services.

Specific rules and limits on child care are discussed in more detail in the sections on work, education, other activities, and 2-parent families which follow in this chapter.

Payment of child care assistance for work or job search is effective the date employment or job search starts, or the date of MFIP eligibility, whichever is later. Payment of child care assistance for activities (other than work and job search) in the Employment Plan is effective the date it is authorized in the plan. This means that the child care expenses incurred for activities other than work or job search will be paid only when they are included in a plan and the participant is considered to be in compliance with those activities. Note, however, that child care expenses can only be paid if the participant completes an application.

MAXIMUM CHILD CARE ASSISTANCE IN A 2-WEEK PERIOD

The maximum amount of child care assistance that may be authorized in a 2-week period is 120 hours per child. The maximum number of hours covers job search activities, employment, education/training, other activities in the plan, or any combination of these activities.

Other activities may include pre-employment or social service activities needed to help families reach their employment goals and enhance their ability to care for their children. Child care necessary to participate in these types of activities should be authorized in the participant's plan.

ALLOWABLE CHILD CARE EXPENSES

10.3.12

Child care may be authorized for job search, work and work-related activities when they are approved and included in an Employment Plan:

ACTIVITY:

- Assessment
- Training/Education 12 months or less
- Training/Education 13 to 24 months
- English as a Second Language (ESL) Training
- Adult Basic Education (ABE)/Remedial Training
- Functional Work Literacy (FWL)
- High School Completion
- General Educational Development (GED) Training
- On-The-Job Training (OJT) - Public Sector
- On-The-Job Training (OJT) - Private Sector
- Volunteer and Community Service
- Grant Diversion
- Community Work Experience Program (CWEP)
- Work Experience
- Unpaid Work Experience
- Job Search
- Employed less than 30 hours per week
- Employed 30 hours or more per week
- Participating in Social Services

NOTE: Child care expenses associated with these activities are allowable. These activities include chemical and mental health assessment (includes learning disabilities), counseling and treatment, or related support groups and continuation of care activities.

- Employment Plan for Family Violence Waiver

NOTE: This activity includes the process where victims of family violence develop and utilize a plan to ensure the safety of themselves and their children. The plan should also include activities designed to lead to self-sufficiency, provided these activities do not endanger the participant or the children. Track each activity included in the Plan.

- Other

NOTE: Child care expenses associated with pre-employment activities coded “Other” are allowable when they are considered essential to the participant becoming employed and included in an approved Employment Plan.

- Employment Plan for Family Stabilization Participants

NOTE: Child care expenses associated with these activities in the employment plan are allowable. These activities could include chemical and mental health assessment (includes learning disabilities), physical health appointment, counseling and treatment, or related support groups and continuation of care activities.

CHILD CARE FOR MEDICAL RESTRICTIONS IN THE EP**10.3.28**

Payment of child care assistance for medical restrictions and activities in the Employment Plan (EP) is effective the date you authorize it. This means that the child care expenses incurred for medical restrictions and activities will be paid only when they are included in an EP and the participant is considered to be in compliance with those activities. Child care expenses can only be paid if the participant completes an application for child care.

For some participants in Employment Services, an employment plan (EP) will be written to accommodate a participant's medical restriction and/or incorporate activities necessary for the treatment of that medical condition. Child care can be authorized for participants with the following restrictions and activities:

- **Medical restrictions due to pregnancy**
Medical appointments and activities needed for the pregnancy can be included in an EP and authorized for child care. Examples include but are not limited to: appointments with doctors, nutritionists, and public health nurses.
- **Short-term medical restrictions**
Medical appointments and activities needed to improve health or recover can be included in an EP and authorized for child care. Examples include but are not limited to: appointments with doctors, physical therapy appointments, and dialysis.

In cases of more debilitating restrictions such as bed rest, hospitalization or hospice, the employment services provider should use professional discretion when determining if a child care authorization is appropriate. Consider the following factors when determining whether or not to approve child care:

- Is child care already in place? Keeping existing child care provides consistent care for the children.
- Is there a plan for the children if the parent is unable to provide care 24 hours a day? Services from child protection may be more appropriate for a comprehensive care solution for the children rather than limited child care.
- Is the participant expected to return to employment or an approved activity in the near future?

When authorizing child care for participants with more severe restrictions, the EP must be written to include the number of hours needed for child care. In addition, the inability of the participant to provide care and the necessity of bed rest or hospitalization is documented by a physician.

CONTINUATION OF CHILD CARE ASSISTANCE

Continuation of child care assistance for medical restrictions and activities in the EP is based on:

- Your determination that the participant is cooperating with the EP.

- It is reasonably expected he/she will return to employment or an approved activity.

AND

- Child care assistance is still necessary.

FSS ELIGIBILITY CRITERIA**11.6**

A person who is applying for or receiving DWP or MFIP (pre or post 60 months) or a person who was disqualified due to fraud on or after October 1, 2007, who meets 1 or more of the following criteria is eligible for Family Stabilization Services (FSS).

The following are the “ill or incapacitated” eligibility categories:

ILL OR INCAPACITATED

Participants who are ill, injured, or incapacitated **MUST** provide professional certification of an illness, injury, or incapacity that is expected to last more than 30 days and severely limits the participant’s ability to obtain or maintain suitable employment.

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant’s condition prevents him/her from working 20 or more hours per week.

Participants who are ill or incapacitated **ARE REQUIRED** to develop an Employment Plan **for FSS participants** and follow FSS service requirements. See §13.15.3 (Ill/Incapacitated Extensions).

NEEDED IN THE HOME

Participants who are needed in the home **MUST** provide verification that they are needed to provide care for another member of the assistance unit, a relative in the household, or a foster child in the household who has a professionally certified illness or incapacity that is expected to continue for more than 30 days. Participants in this category are not expected to work but **ARE REQUIRED** to develop an **Employment Plan for FSS participants** and follow FSS service requirements. See §13.15.12 (Needed In The Home Extension Criteria).

SPECIAL MEDICAL CRITERIA

Participants with a child or an adult in the household who meets the special medical criteria for home care services or a home and community-based waiver services program, severe emotional disturbance, or serious and persistent mental illness. Those meeting the special medical criteria must be receiving or eligible to receive these services or programs. Verification of the ability of caregivers to obtain or retain employment is not required. The participant in a single parent MFIP unit and 1 of the parents in a 2-parent unit are presumed to be unable to work but **ARE REQUIRED** to develop an EP **for FSS participants** and follow FSS service requirements.

FSS ELIGIBILITY CRITERIA**11.6**

If the participant's health care provider cannot or will not provide the information needed to determine if the participant is eligible for FSS, obtain a release of information from the participant authorizing you to contact the health care provider. Explain to the health care provider that this information is needed to determine if the participant is eligible for a service track in MFIP. If the health care provider still does not respond, contact the consumer representative at the health plan. If the health plan does not respond, contact DHS Health Care Purchasing Division, at 651-296-3386 or 1-800-657-3756. Indicate which health plan you have contacted. See §13.15.9 (Special Medical Criteria Extension)

The following are the "hard to employ" eligibility categories:

UNEMPLOYABLE

Before determining whether a participant is unemployable for purposes of FSS, counties and Employment Services Providers should assess whether he or she is eligible under a different FSS category. If he or she does not meet the criteria for another category, but appears to have significant and severe issues that impact their ability to work, a determination of unemployability should be done by a vocational rehabilitation specialist or another qualified professional designated by the county. For more information on Qualified Professional, see §3.33 (Glossary: O-Q...).

There is no single factor or cluster of factors which would indicate unemployability, but take the following into consideration:

- The participant's work history over the past 5 years. If the person has worked, review his or her work history and the reason or reasons the participant left employment to determine whether any barriers exist which prevent the participant from maintaining a job. If the participant has not worked, review the reason he or she has not been employed to identify any barriers to employment.
- Extremely limited ability to speak or understand English, despite efforts to learn it. There must be documentation of the participant's efforts to learn English.
- Felony record that inhibits employment in existing positions.
- Other severe and chronic mental health or chemical dependency issues that have not been professionally certified because the nature of the illness interfere with the participant's ability to seek assessment or treatment. There must be documentation of the agency or other professionals attempt to engage the participant in necessary services.

FSS ELIGIBILITY CRITERIA**11.6**

Participants in this category ARE REQUIRED to develop an **Employment Plan for FSS participants** and follow FSS service requirements.

NOTE: Factors such as lack of child care, transportation, or housing, while they may be significant barriers to employment, do not in and of themselves constitute a basis for unemployability.

After reviewing the above, determine whether there are any factors that would result in the participant being unable to work. If there are not significant factors that would result in the participant being unable to work, he or she is considered employable and is NOT eligible for FSS. If the participant cannot work, determine whether he or she could work with a reasonable investment of available supports to address his or her limitations.

- If yes, these supports must be provided. The participant is not eligible for FSS under the category of “unemployable”.
- If no, the county must document the lack of available supports, and the participant may be extended as “unemployable”. When appropriate, the county should assist a participant who is assessed as “unemployable” to apply for SSI.

See §13.18.12 (Unemployable Extension Criteria).

MENTALLY RETARDED OR MENTALLY ILL

Participants who are mentally retarded or mentally ill must be diagnosed by a licensed physician, psychological practitioner, or other qualified professional as mentally retarded or mentally ill or the condition severely limits the participant’s ability to obtain or maintain suitable employment. See §13.18.3 (Mental Retardation/Mental Illness Extension Criteria).

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant’s condition prevents him/her from working 20 or more hours per week.

Participants in this category ARE REQUIRED to develop an **Employment Plan for FSS participants** and follow FSS service requirements.

PARTICIPANTS WITH IQ BELOW 80

Participants with an IQ below 80 must have been assessed by a vocational specialist qualified professional to determine that the condition severely limits the participant’s ability to obtain

or maintain suitable employment.

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition **significantly restricts:**

➤ The range of employment that the person is able to perform.

OR

➤ The condition significantly interferes with the person's ability to obtain or maintain suitable employment for 20 or more hours per week.

Participants in this category ARE REQUIRED to develop an **Employment Plan for FSS participants** and follow FSS service requirements.

Determining if a person has an IQ below 80 may be difficult due to limited English proficiency or lack of cultural assessment tools. Standard methods used to determine IQ may be inappropriate or ineffective. Only accept statements from professionals who are qualified to determine IQ scores AND who have experience assessing functional limitations with non-English speakers. See §13.18.9 (IQ Below 80 Extension Criteria).

LEARNING DISABLED

Participants with a learning disability must have been assessed by a vocational specialist or qualified professional to determine that the condition severely limits the participant's ability to obtain or maintain suitable employment. Learning disabled means that the person has a disorder in 1 or more of the psychological processes involved in perceiving, understanding, or using language. The determination must be based on a statement provided by a licensed professional who is qualified to assess learning disabilities. Statements from qualified professionals submitted for purposes of determining eligibility for **these** criteria must include verification that:

- There is a pattern of intra-individual discrepancy when compared to similar language of peers.
- That the disability is not primarily the result of visual, hearing, or motor handicaps, mental retardation, emotional disturbance or due to environmental, cultural, or economic disadvantage.

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition **significantly restricts:**

FSS ELIGIBILITY CRITERIA

11.6

-
- The range of employment that the person is able to perform.
- OR
- The condition significantly interferes with the person's ability to obtain or maintain suitable employment for 20 or more hours per week.

Participants in this category ARE REQUIRED to develop an **Employment Plan for FSS participants** and follow FSS service requirements.

Determining if a person has a learning disability may be difficult due to limited English proficiency or lack of cultural assessment tools. Verify by seeking and only accepting statements from professionals who are qualified to determine learning disabilities, and have experience assessing functional limitations with non-English speaking clients. See §13.18.6 (Learning Disabled Extension Criteria).

FAMILY VIOLENCE WAIVER

Participants who are victims of family abuse are considered FSS participants. The abuse MUST be verified. See §7.36 (Family Violence Waiver Option) for a list of acceptable forms of verification. These participants must work with a job counselor and/or FSS case manager and a person trained in domestic violence (if they are not already working with a domestic violence advocate) to develop an EP **for FSS participants**. The primary goal of an EP for Victims of Family Violence is to ensure the safety of the caregiver and the children. The job counselor and/or FSS case manager has final approval of **the** EP, see §7.12 (Plan for Victims of Family Violence). Participants in this category ARE REQUIRED to develop an EP **for FSS participants** and follow FSS service requirements.

The following are the remaining eligibility categories:

IN THE COUNTRY 12 MONTHS OR LESS

Participants who are legal non-citizens in the United States 12 months or less are considered an FSS participant and ARE REQUIRED to develop an EP **for FSS participants** and follow FSS service requirements.

NOTE: Legal non-citizens may continue to receive FSS beyond the initial 12 month period if it is determined by the participant and the case manager that the participant should continue with ESL or skills training or both.

APPLYING FOR SSI/RSDI

Participants who are applying for or those who are appealing a denial of an SSI or RSDI application are considered an FSS participant and ARE REQUIRED to develop an EP for **FSS participants** and follow FSS service requirements.

AGE 60 OR OLDER

Participants who are age 60 or older are considered FSS participants. They ARE REQUIRED to develop an EP for **FSS participants** and follow FSS service requirements.

COMMUNICATION BETWEEN WORKERS

Communication between financial workers and job counselors and/or Family Stabilization Services (FSS) case managers is critical in determining eligibility for FSS and to providing the appropriate services for the family.

FSS eligibility may be determined by a financial worker or a job counselor. If the financial worker determines FSS eligibility based on documentation in the case file, MAXIS must be updated and a referral to Employment Services or the agency providing case management services must be initiated. For existing cases already active with an MFIP-ES provider, that provider will receive an electronic Status Update on Workforce One (WF1). The FSS status code on MAXIS will be included on the referral or Status Update on WF1.

If a job counselor determines FSS eligibility (for example, receives documentation of incapacity from a medical professional), a paper Status Update or a secure e-mail must be sent to the financial worker. The financial worker will update MAXIS to ensure the case is coded correctly to be removed from **TANF funding and in turn** the WPR calculation.

COMMUNICATION WITH FSS PARTICIPANTS

The job counselor and/or FSS case manager must establish a schedule for periodic review of the EP that includes personal contact with the participant at least once per month. The job counselor and/or FSS case manager must also review and modify the plan under any of the following circumstances:

- There is a lack of satisfactory progress in achieving the goals of the plan.
- The participant has lost unsubsidized or subsidized employment.
- A family member has failed or is unable to comply with plan requirements.
- Services, supports, or activities required by the plan are unavailable.
- Changes to the plan are needed to promote the well-being of the children.
- **The participant and case manager determine that the plan is no longer appropriate for any other reason.**

Family Stabilization Services (FSS) should be delivered using a case management model. There are minimum requirements for FSS case management services:

- Identify a case manager, who may be the ES counselor, a social worker, or other professional working with the participant.
- Complete an assessment of strengths, barriers, and special circumstances that impact, or may impact, progress toward goals in the Employment Plan (EP). Consider organizing the assessment into the 11 areas covered by the Employability Measure.
- Identify services, supports, education, training, and accommodations needed to address barriers and enable the caregiver(s) to meet personal and family obligations.
- Develop an EP that addresses long-term self-sufficiency and an employment goal when applicable; include activities and hours of participation as appropriate. Assist families in accessing the identified services and supports when necessary.
- Monitor progress.
- Set a schedule for periodic review of the EP (at least every 6 months), and modify the plan as appropriate.
- Make personal contact with the participant at least once a month.

Initiate sanctions when appropriate, once the specific FSS sanction provisions have been followed. See §11.18 (FSS Sanction Provisions).

FSS SANCTION PROVISIONS

11.18

There are specific sanction provisions that **MUST** be followed once a participant has been determined eligible for Family Stabilization Services (FSS), even if the participant has not developed an EP for FSS Participants. For more information, see Appendix H (FSS Sanction Guidance). The provisions must also be followed at the time the provider has information that a participant may meet the eligibility criteria. These provisions apply to pre or post 60-month cases.

Examples of what could constitute “information” include:

- Documentation of previous mental health diagnosis.
- Past involvement with other systems; adult or children’s mental health, development disability services, waived services.
- Self-reported attempts to get help for a mental health condition that has impacted their ability to obtain or maintain suitable employment.
- Previously diagnosed with a chronic health condition that has impacted their ability to obtain or maintain suitable employment.

Employment services staff are often aware that something is interfering with a participant’s ability to follow through with program expectations. The precise nature of the barrier is often not clear. Although signals which raise concerns are not necessarily indicators that a participant may meet FSS eligibility criteria, they may be signs that the participant could benefit from a professional assessment or engagement in other social service systems.

Sanction policy regarding notices, amounts and closure/counting occurrences are the same for FSS as they are for child support and ES sanctions. However, the FSS sanction requirements prior to imposing a sanction, are different. See Chapter 14 (Non-Compliance & Sanctions).

The provisions also apply to FSS participants who were disqualified from MFIP due to fraud after October 1, 2007. In these cases, if a sanction is imposed, it would be applied against the household’s remaining grant amount.

60-MONTH LIFETIME LIMIT**13.3**

Federal rules limit public assistance eligibility for caregivers to 60 months in their lifetime. Minnesota began counting months toward the 60-month lifetime limit 7-1-97.

The 60-month limit is per caregiver receiving MFIP, and the months do not have to be consecutive. Months are counted as noted below. The counted and exempt months include months in which a caregiver received TANF benefits from another state, even if before 7-1-97 (states may have chosen earlier start dates and shorter limits for their TANF programs).

Months are also counted for MFIP cases with a caregiver who has a fraud disqualification beginning on or after October 1, 2007. Note that the same banking and exception policies that apply to MFIP caregivers also apply to disqualified caregivers. For example, months do not count for either an MFIP caregiver or a disqualified caregiver who is age 60 or older.

The following are EXCEPTIONS to counting a month toward the 60-month time limit. If a caregiver meets 1 of the exceptions, that month does NOT count toward the 60-month limit.

- Months in which the caregiver participated in the MFIP Field Trials.
- Months when the caregiver was living on reservations with a “not employed” rate of at least 50% when the grant is issued.
- Victims of family violence who request the Family Violence Waiver Option and are complying with an Employment Plan (EP). The exemption starts the month the EP is approved and ends the month after the participant no longer qualifies for a Family Violence Waiver. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option), §7.36.3 (Person Trained in Domestic Violence).
- Caregivers age 60 or older who have not already exceeded the 60-month time limit. Stop the clock the 1st of the month following the month the participant turns 60. Participants who are age 60 or older will not receive a 60-month warning notice referenced below, unless there is a 2nd MFIP caregiver in the household who is not exempt from the 60-month limit.
- Minor caregivers complying with an education plan. See §6.3.9 (Requirements for Teen Parents).
- Custodial parents age 18 or 19 who have chosen an Employment Plan with an education option and are cooperating with education requirements. See §6.3.9

60-MONTH LIFETIME LIMIT**13.3**

(Requirements for Teen Parents).

- Any month the unit chooses to opt out of the cash portion of the MFIP grant. See §4.33 (Opting Out of MFIP Cash Portion).
- Any month the unit receives ONLY the food portion of the grant. This includes if the unit is sanctioned and receives only the food portion. However, see below regarding months that include a vendor payment or a recoupment.
- Any month the unit receives a grant for minor children only. This includes any month caregivers are ineligible or disqualified.
- Any month the unit would have received only the FOOD portion of the grant (prior to recoupment).

Receipt of payments to cover emergency needs or assistance under the Diversionary Work Program, do NOT count toward the 60-month limit.

Months listed below COUNT toward the 60-month limit, unless 1 of the above exceptions applies:

- Minnesota state-funded months for participants receiving Family Stabilization Services (FSS).
- Minnesota state-funded months for caregivers who received Family GA.
- Minnesota state-funded months for certain non-citizens who are ineligible for TANF-funded assistance.
- Minnesota state-funded months for 2-parent households.
- Months of assistance the client received from a Tribal TANF program, whether received in Minnesota or another state.
- A month in which there is a vendor payment or recoupment that reduces the CASH portion of the grant to \$0.
- Months following the month the 19-year old caregiver turns 20.

60-MONTH LIFETIME LIMIT**13.3**

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- Months following the month the caregiver under 20 obtains a secondary school diploma or GED.
 - Months when minor caregivers are sanctioned for non-cooperation with educational requirements.
 - Months a person receives MFIP cash assistance and later is determined to be ineligible for assistance. That period of time is considered to have been a month of assistance, even if the benefits are subsequently repaid. Repayment for any reason does not change the number of counted months.

Financial workers use the STAT/TIME panel in MAXIS to record the history of a caregiver's receipt of assistance toward the 60-month limit. This tracking triggers MAXIS to mail person-specific notices regarding the limits. See §13.6 (Transition Period - 48 to 60 Months). The 1st notice is sent to participants in the 48th month of cash assistance. Subsequent notices are sent between the 10th and the 15th of each month after that, telling participants the number of cash assistance months they have left.

When clients move to or from Minnesota:

- When a client moves to another state, the other state will call to confirm the number of months of assistance received toward the 60-month limit. Financial workers provide only the number of TANF-funded months a client has used, unless the other state inquires about state-funded assistance.
- When a client moves to Minnesota from another state, only the TANF-funded months on assistance count toward the 60-month limit. Financial workers do NOT count months when the unit received benefits only from a state-funded assistance program in another state.

Certain people who have reached their 60-month lifetime limit may be eligible for an extension of MFIP under a hardship extension category. See §13.15 (Hardship Extensions).

During the last 12 months of MFIP, there are specific requirements for determining whether a participant is eligible for an extension. See §13.6 (Transition Period - 48 to 60 Months), §13.9 (180 to 60 Days Before MFIP Closes).

Financial workers must determine if the family is eligible for other types of assistance, including health care or MinnesotaCare and Food Support when MFIP is closed at the end of 60 months. Families should also receive information on basic sliding fee child care.

60-MONTH LIFETIME LIMIT

13.3

Also see §14.30 (Post 60-Month ES Sanctions - General Provisions).

TRANSITION PERIOD - 48 TO 60 MONTHS**13.6**

The transition period is the time during which to review progress and plans with participants who are approaching the 60-month time limit. This process should be followed for all participants, even those receiving Family Stabilization Services (FSS). See §3.18 (Glossary F...) for the definition of Family Stabilization Services (FSS). The transition period begins in the 48th month of receipt of MFIP and continues through the 60th month of MFIP.

The objectives for the transition period are to:

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

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

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

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

For additional information on steps to follow for the period 180 to 60 days prior to the end of the participant's 60th month, see §13.9 (180 to 60 Days before MFIP Closes).

NOTICES

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

ADMINISTRATIVE REVIEW

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

DHS recommends a team approach (financial worker, job counselor, other staff, and professionals involved with the case) for reviews and subsequent meetings with participants.

However, each county has flexibility to determine who will be involved and how this process will be completed.

Issues to be considered include:

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

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

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

TRANSITION PERIOD - 48 TO 60 MONTHS**13.6**

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

FACE-TO-FACE MEETINGS

Counties are required to attempt to meet face-to-face with participants between 180 and 60 days before the end of the 60th month. In general, after the administrative review is completed, the county will notify the participant that a face-to-face meeting has been scheduled, or that the participant should contact the county to schedule the meeting. If the participant does not respond, the county should make at least 2 more attempts to make contact and document these attempts in case notes. For information on attempting to meet, see §3.3 (Glossary: A...). The requirement to attempt a face-to-face meeting is a responsibility for counties and their ES Providers. Participants are NOT required to attend.

The purpose of the face-to-face meeting is to review the family's current situation, review the 60-month time clock record, explain accrued months and eligibility requirements for an extension, and provide information about other resources. County and ES staff should offer to assist participants who need help obtaining documentation necessary for an extension.

If a face-to-face meeting cannot be completed, counties must mail information that would have been covered, including when MFIP will close and an extension request form.

EXTENSION DECISIONS

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

- The county may EXTEND MFIP benefits for the participant if they have received reasonable documentation that the participant would qualify for an extension, but either the county or another professional has identified that additional follow-up is needed. Set a review of the extension to coincide with the date the county expects to receive the additional documentation. Inform the participant that if the additional documentation does not confirm that the participant is eligible for an extension, he/she may be responsible for an overpayment.

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

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

HARDSHIP EXTENSIONS**13.15**

Participants who have reached their 60-month lifetime limit as outlined in §13.3 (60-Month Lifetime Limit) may be eligible for an extension of MFIP if they meet criteria under 1 of the hardship categories listed below:

- **Ill or Incapacitated.** See §13.15.3 (Ill/Incapacitated Extensions).
Extensions in this category include ill/incapacitated, needed in the home, and special medical criteria. **These participants and are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an employment plan for FSS participants and follow FSS service requirements.**
- **Hard to Employ.** See §13.18 (Hard to Employ Extensions).
Extensions in this category include mental retardation, mental illness, IQ below 80, learning disability, and victims of family violence. **These participants are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an employment plan for FSS participants and follow FSS service requirements.**
- **Employed.** See §13.21 (Employed Extensions).
Extensions in this category include employed and employed/limited hours.

Extended participants may continue to receive MFIP as long as:

- State law provides for extensions.
AND
- The criteria for an extension are met.
AND
- All other MFIP requirements (including ES) continues to be met.

When the criteria or requirements are no longer met, the participant may be sanctioned, have their case closed, or in the case of a 2-parent household be removed from the grant depending on the extension category. If a participant meets FSS eligibility the FSS sanction provisions must be followed before the participant can be sanctioned. See §14.30 (Post-60 Month ES Sanctions - General Provisions). Also see §13.21.6 (Employed Extension Criteria - 2-Parent Units).

REQUIREMENTS COMMON TO ALL EXTENSIONS

Although there are separate eligibility criteria for each extension under the categories listed above, there are 3 requirements that are common to all extensions:

➤ **Requesting an Extension**

In most cases, participants must request a hardship extension, either verbally or in writing. Counties **MUST** document whether the participant requests an extension or indicates that he/she is not interested in applying for an extension. If you receive the request, notify the county immediately. An extension request form should be completed at the face-to-face meeting, if possible. If the participant does not attend the face-to-face meeting, an extension request form must be sent to the participant telling him or her to notify the county, orally or in writing, if he/she wants to be considered for a hardship extension.

There are 2 instances when participants do not need to request an extension:

- When an extension had been approved but eligibility under the original extension category ends. These participants may have to provide documentation that they are eligible under another category.
- When re-applying for MFIP. As part of the application process, these applicants will be required to provide documentation that they are eligible for a hardship extension.

➤ **Providing Documentation**

Participants must provide the documentation necessary for the county to approve an extension. Participants who need help obtaining verifications may sign a release of information that will allow the county or ES Provider to assist on their behalf.

➤ **Compliance in the 60th Month**

Participants may request a hardship extension in any month before or after month 60. However, they must be (or must have been) in compliance with all program requirements in the 60th month. “In compliance with all program requirements” means that the participant was not in sanction for any reason. See **“Provisions for 2-Parent Households”** below for information on how this requirement applies in a 2-parent family.

If a participant who applies for an extension after the 60th month is able to document that a sanction was incorrectly applied, or that the participant had good cause for the non-compliance, the county must consider the participant compliant

HARDSHIP EXTENSIONS**13.15**

for the purpose of establishing eligibility for any hardship extension.

ASSISTING PARTICIPANTS WITH THE EXTENSION PROCESS

Counties and ES Providers should work with each family to determine eligibility for an extension. Potential eligibility for an extension such as “ill/incapacitated” or “hard to employ” may involve identifying barriers, referring for assessments, and obtaining documentation. Potential eligibility for the “employed” extension may mean helping participants increase work hours or making subsidized work opportunities available. Counties and ES Providers must tell families who do not qualify for an extension that they would continue to receive benefits such as Food Support and Health Care when they are eligible, and receive information about other community resources.

In all cases, it is important to reach out, follow through, and work with each family as intensively as needed. Families must also follow through on appointments, provide the necessary documentation, complete assessments, and attend scheduled meetings. Expectations need to be clearly communicated.

IDENTIFYING THE APPROPRIATE EXTENSION CATEGORY

Some participants may meet criteria for an extension in more than 1 category, and others may switch categories over time as their situation and family circumstances change. Counties and Employment Services Providers should make initial extension decisions based on the best available information at that time. As more information becomes available, the category of extension may need to be reviewed and changed.

Listed below are examples of the potential extension categories based on a participant with mental health issues. To determine which category to use, consider the following:

- If the doctor's statement says the participant cannot work 20 or more hours per week or participate in work activities at all, extend under Hard-to-Employ Mentally Ill the ill or incapacitated category. See §13.18 (Hard to Employ Extensions).
- If the participant can work in an unsubsidized job but only a limited number of hours, extend under the employed/limited work category. See §13.21.9 (Limited Work Due to Illness/Disability Extension Criteria).

HARDSHIP EXTENSIONS**13.15**

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- If the participant has been able to obtain and retain unsubsidized employment at the required number of hours, extend under the regular employed category. See §13.21 (Employed Extensions).

PARTICIPANTS WHO SPEAK LIMITED ENGLISH

Counties, and Employment Services Providers under contract with the county, MUST follow the county's limited English proficiency (LEP) plan to communicate information about hardship extensions to participants who speak limited English. Employment Services Providers should review the LEP plan to make sure they understand what language assistance resources are available to help participants understand necessary information about hardship extensions and what they need to do to request an extension. The most common language assistance resources will be in-person or telephone interpreters and translated documents. Prior to face-to-face meetings, counties should review MAXIS information about the participant's primary language and the need for an interpreter. If an interpreter is necessary, the county should arrange for one before the interview. Counties must provide meaningful access to the information for clients who speak limited English.

CASES THAT ARE NOT EXTENDED

If the case is closed because the parent(s) do not meet extension criteria, a review must be conducted by the job counselor's supervisor or the review team designated in the county's approved Service Agreements to determine if the extension criteria were applied appropriately.

PROVISIONS FOR 2-PARENT HOUSEHOLDS

Hardship extension policy for 2- parent units when both parents reach the 60-month lifetime limit at the same time differs from the policy for 2-parent units when 1 parent reaches the 60-month lifetime limit before the other. The differences are outlined below.

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

BOTH parents must:

- Be in compliance in month 60.
- AND

HARDSHIP EXTENSIONS**13.15**

-
- Meet criteria for an extension or have banked months in order for MFIP to be continued.

If 1 parent is not in compliance, does not meet criteria for an extension, or have banked months, the unit may choose to remove the non-compliant or ineligible parent. See §13.21.6 (Employed Extension Criteria - 2-Parent Units).

Parents being evaluated for the employed extension must be in compliance with all program requirements in at least 10 out of the previous 12 months. If the parent being evaluated for the employed extension does not meet the 10 of 12 criteria, the unit may choose to remove that parent from the MFIP unit.

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

The parent who reaches the 60-month limit must:

- Be in compliance in month 60.
- AND
- Meet criteria for an extension or have accrued banked months in order for MFIP to be continued.

If the parent who has reached month 60 is not in compliance, does not meet criteria for an extension, or have banked months, the unit may choose to remove that parent. See §13.21.6 (Employed Extension Criteria - 2-Parent Units).

The parent who has less than 60 months does NOT:

- Need to be in compliance in month 60.
- OR
- Need to meet an extension criteria.

The family may choose to remove the sanctioned parent, who HAS NOT used 60 months, in month 61 and extend the case if the parent who HAS reached month 60 meets any extension criteria.

If the family chooses NOT to remove the sanctioned parent, post 60-month sanction provisions apply and could result in a permanent case closure.

ILL/INCAPACITATED EXTENSIONS

13.15.3

PROVISIONS FOR ALL FAMILIES

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

- Participants who are ill, injured, or incapacitated. See §13.15.6 (Ill/Injured/Incapacitated Extension Criteria).
- Participants with an adult or child in the unit who meet special medical criteria. See §13.15.9 (Special Medical Criteria Extension). The extension related to special medical criteria applies only when the caregiver has a child or an adult in the household who meets the criteria. When the caregiver receives similar services or has a serious and persistent mental illness, he or she may be extended in the hard to employ/MI category.
- Participants who are needed in the home. See §13.15.12 (Needed in the Home Extension Criteria).

If the participant's health care provider does not provide the information needed to determine whether the participant is eligible for a hardship extension, obtain a release of information from the participant authorizing you to contact the health care provider. Explain to the health care provider that this information is necessary to determine whether the participant is eligible for a hardship extension. If the health care provider still does not respond, contact the consumer representative at the health plan. If the health plan does not respond, contact DHS Health Care Purchasing Division at 651-296-3386 or 1-800-657-3756. Indicate which health plan you have contacted **or contact the Office of the Ombudsmen for State Managed Health Care Programs at 651-431-2660 or 1-800-657-3729.**

Participants extended in any of the above categories are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan **for FSS participants** and follow FSS service requirements.

NON-COMPLIANCE WITH TREATMENT RECOMMENDATIONS

The extension may end for caregivers who do not follow treatment recommendations without good cause. Good cause may be granted when the nature of a caregiver's disability interferes with follow through on treatment recommendations. If a participant meets FSS eligibility the FSS sanction provisions must be followed before the participant can be sanctioned. See §14.30 (Post-60 Month ES Sanctions - General Provisions). The county may also want to consider changing the extension reason to "unemployable" if this is a better alternative.

ILL/INCAPACITATED EXTENSIONS**13.15.3**

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

Since participants extended in this category are FSS participants, the FSS case manager is responsible for monitoring follow through with treatment recommendations.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions.

PROVISIONS FOR 2-PARENT FAMILIES

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

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

If both parents reach the 60-month limit at the same time, and they are both extended as ill/incapacitated, both are considered FSS participants and ARE REQUIRED to develop an Employment Plan **for FSS participants** and follow FSS service requirements.

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

When the parent who reaches the 60-month limit is extended as ill/incapacitated, that parent is considered an FSS participant and IS REQUIRED to develop an Employment Plan **for FSS participants** and follow FSS service requirements. The parent who has not reached the 60-month limit MUST continue to meet Employment Services requirements.

PROVISIONS FOR ALL FAMILIES

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

- Provide professional certification of an illness, injury, or incapacity that is expected to last more than 30 days which **severely limits the person's ability to obtain or maintain suitable employment.**

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week.

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

AND

- Follow the treatment recommendations of the health care provider certifying the illness, injury, or incapacity. The extension may end for caregivers who do not follow treatment recommendations without good cause. Good cause may be granted when the nature of a caregiver's disability interferes with follow through on treatment recommendations.

Participants under this category are considered FSS participants and **ARE REQUIRED** to develop an Employment Plan **for FSS participants** and follow FSS service requirements.

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

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week.

Continuation of care activities for participants with chemical health issues are considered part of the treatment plan for purposes of this extension when the activities are led by a chemical

health professional, based on an assessed need, and provided according to a treatment plan as part of a licensed program.

EXTENDING THE CASE WHEN DOCUMENTATION IS PENDING

Counties may extend MFIP benefits beyond the 60 months for participants requesting extension under the ill/incapacitated category if documentation is not available by the 60th month. Participants must cooperate with efforts to obtain the documentation, and they may be responsible for an overpayment if they are later determined to not qualify for an extension. Also see §13.6 (Transition Period - 48 to 60 Months).

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions. Also see §13.15.3 (Ill/Incapacitated Extensions), §13.15.9 (Special Medical Criteria Extension), §13.15.12 (Needed in the Home Extension Criteria).

PROVISIONS FOR 2-PARENT FAMILIES

When Both Parents Reach Month 60 at the Same Time

Evaluate both adults for an extension, when both parents reach month 60 at the same time. If both qualify for an extension as ill, injured, or incapacitated category, both are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. Neither one is required to participate in Employment Services. However, both parents are required to follow treatment recommendations to maintain the extension.

When 1 Parent Reaches Month 60 Before the Other

When 1 parent reaches month 60 before the other, evaluate the parent who has reached 60 months for an extension. A parent extended as ill, injured, or incapacitated category must follow treatment recommendations of their health care provider and is considered an FSS participant and IS REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements.

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

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

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

OR

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

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

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

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

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

- **HOME CARE SERVICES** - Child or adult in the household who meets the disability or medical criteria for home care services. For the purpose of this determination, home care services means a medically necessary health service that is ordered by a physician and documented in a service plan that is reviewed by the physician at least once every 60 days for the provision of home health services or private duty nursing, or at least once every 365 days for personal care. Home care services are provided to the client at the client’s residence that is a place other than a hospital or long term care facility.
- **HOME AND COMMUNITY-BASED WAIVERED SERVICES** - Child or adult in the household who meets the disability or medical criteria for a home and community-based waiver services program. The provisions of these criteria apply to the following home and community-based waiver services programs:
 - **Alternative Care Grant Program (ACG):** A state-funded program that targets people age 65 or older who are at risk of nursing facility level of care

and whose personal financial resources would allow no more than a 6-month stay in a nursing facility. The service menu is the same as that available for people receiving services under the Elderly Waiver.

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

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

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

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

OR

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

OR

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

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

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

OR

- Has continuously experienced a psychiatric hospitalization or residential treatment exceeding 6 months' duration within the preceding 12 months.

OR

- Has been treated by a crisis team 2 or more times within the preceding 24 months.

OR

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

OR

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

OR

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

OR

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

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

BANKING MONTHS

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

Participants using banked months are subject to pre-60 month sanction policies.

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

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

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

In a 2-parent household with a child or an adult who meets the special medical criteria, only 1 parent is presumed to be prevented from obtaining or retaining employment. If the family provides documentation from their health care provider that a 2nd parent is also needed in the home to care for the child or adult who meets the special medical criteria or disability, extend 1 parent in the special medical category, and extend the other in the category for participants whose presence is needed in the home. See §13.15.3 (Ill/Incapacitated Extensions), §13.15.12 (Needed in the Home Extension Criteria).

NEEDED IN THE HOME EXTENSION CRITERIA

13.15.12

Participants may be extended as “needed in the home” when they provide verification that their presence is required to provide care for another member of the assistance unit, a relative in the household, or a foster child in the household who has an illness or incapacity certified by a qualified professional that is expected to continue for more than 30 days.

The verification of an illness/injury/incapacity must state that the participant is needed in the home to provide care, but it does not have to include the extent to which the participant is needed in the home.

These caregivers are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements.

NOTE: When both parents in a 2-parent family are needed in the home to care for an adult or child in the household who meets special medical criteria, extend 1 parent under the special medical criteria category, and extend the other as needed in the home. See §13.15.9 (Special Medical Criteria Extension).

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions. Also see §13.15.3 (Ill/Incapacitated Extensions), §13.15.6 (Ill/Injured/Incapacitated Extension Criteria).

HARD TO EMPLOY EXTENSIONS

13.18

MFIP participants who have reached their 60-month life time limit may be extended if they meet eligibility criteria for 1 of the following categories:

- Mental Retardation or Mental Illness. See §13.18.3 (Mental Retardation/Mental Illness Extension Criteria).
- Learning Disabled. See §13.18.6 (Learning Disabled Extension Criteria).
- IQ below 80. See §13.18.9 (IQ Below 80 Extension Criteria).
- Unemployable. See §13.18.12 (Unemployable Extension Criteria).
- Family Violence. See §13.18.15 (Family Violence Extension Criteria).

Participants who are extended in any of the Hard to Employ categories are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. The Employment Plan should be developed in consultation with other professionals who work with the individual, and incorporate activities and hours appropriate to each person's abilities and overall family circumstances. Hourly requirements must be written into the Employment Plan and non-compliance may result in sanction, however, FSS sanction provisions must be followed prior to imposing a sanction. Once it has been determined that a participant can be sanctioned disqualification is part of the post 60-month sanction process. See §14.30 (Post 60-Month ES Sanctions - General Provisions). For information on Employment Plans, see §7.3 (Employment Plan (EP)).

NOTE: Victims of family violence are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. See §7.12 (Plan for Victims of Family Violence), §13.18.15 (Family Violence Extension Criteria).

Counties may extend MFIP benefits for participants in the above categories after 60 months when documentation is not available by the 60th month. Participants must cooperate with efforts to obtain the documentation, and they may be responsible for an overpayment if they are later determined to not qualify for an extension. Also see §13.6 (Transition Period - 48 to 60 Months).

WHEN BOTH PARENTS REACH MONTH 60 AT THE SAME TIME

When both parents reach month 60 at the same time, evaluate both adults for an extension. If both parents qualify for 1 or more of the hard-to-employ categories, both must participate in and comply with an Employment Plan. Review to determine whether revisions are necessary if 1 or both parents have an existing plan.

WHEN 1 PARENT REACHES MONTH 60 BEFORE THE OTHER

If 1 parent reaches month 60 before the other, evaluate the parent who has reached 60 months for an extension. Participants who meet the hard to employ extension criteria are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. If this parent has an existing plan, it should be reviewed to determine whether revisions are necessary. The Employment Services status and Employment Plan of the parent who has not reached month 60 should also be reviewed at this time.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions. Also see §13.15.3 (Ill/Incapacitated Extensions), §13.21 (Employed Extensions).

MENTAL RETARDATION/MENTAL ILLNESS EXTENSION CRITERIA 13.18.3

MFIP participants with mental illness or mental retardation are eligible for an extension of their benefits when the condition **severely limits the participant's ability to obtain or maintain suitable employment.**

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week. These participants are considered Family Stabilization Services (FSS) participants and **ARE REQUIRED** to develop an Employment Plan **for FSS participants** and follow FSS service requirements.

Employment Plans developed for participants who are extended due to mental illness or mental retardation should be developed in consultation with other professionals working with the participant. The plan should include only activities and hourly requirements appropriate to that person's abilities and current situation.

DETERMINATION OF MENTAL ILLNESS

The determination of mental illness must be made by a licensed physician or a qualified mental health professional. Qualified mental health professional means:

- **In psychiatric nursing, for children:** A registered nurse who is licensed under Minnesota Statutes, Sections 148.171 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization, or who has a master's degree in nursing or 1 of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.
- **In psychiatric nursing, for adults:** A registered nurse who is licensed under Minnesota Statutes, Sections 148.171 and who is certified as a clinical specialist in adult psychiatric and mental health nursing by a national nurse certification organization or who has a master's degree in nursing or 1 of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.
- **In clinical social work:** A person licensed as an Independent Clinical Social Worker (LICSW) under Minnesota Statutes, Section 148D.050, subdivision 6, or a person with a master's degree in social work from an accredited college or

university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

- **In psychology:** An individual licensed by the board of psychology under Minnesota Statutes, Sections 148.90, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness.
- **In psychiatry:** A physician licensed under Minnesota Statutes, chapter 147, and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry.
- **In marriage and family therapy:** A marriage and family therapist licensed under Minnesota Statutes, Sections 148B.29, with at least 2 years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

DETERMINATION OF MENTAL RETARDATION

The determination of mental retardation must be made by a professional qualified by training and experience to administer the tests necessary to make such a determination (tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function). These professionals include licensed psychologists, certified school psychologists, or a certified psychometrist working under supervision of a licensed psychologist.

Person with mental retardation means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly sub-average intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday.

Deficits in adaptive behavior means a significant limitation in an individual's effectiveness meeting the standards of maturation, learning, personal independence, and social responsibility expected for the individual's age level and culture group, as determined by clinical assessment and generally standardized scales.

Significantly subaverage intellectual functioning means a full scale IQ score of 70 or less based on assessment that includes 1 or more individually administered standardized intelligence tests developed for the purpose of assessing intellectual functioning. Errors of measurement must be considered.

WHEN THE PARTICIPANT SPEAKS LIMITED ENGLISH

Listed below is guidance to counties and Employment Services Providers to use when the participant speaks limited English:

- Consider other categories of extension 1st before requesting a mental health diagnostic for purposes of determining mental retardation or IQ below 80.
- For purposes of an extension, counties may accept a statement from a qualified professional regarding IQ that identifies a range instead of a specific score. Professionals qualified to administer tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function include licensed psychologists, certified school psychologists, or certified psychometrists working under supervision of a licensed psychologist. Counties and Employment Services Providers should make every effort to ensure that professionals making these determinations have experience conducting cross-cultural evaluations.
- Request that the assessment report include a discussion of the limitations of testing.
- Request that the assessment report include a statement of the clinician's confidence in the results.
- Request that the assessment report related to mental retardation or low IQ include a description of the participant's functional level and functional restrictions.
- Request that the assessment report identify the interpreter, his or her qualifications and relationship to the assessor, the participant, and anyone else involved in the process.

Verification of mental retardation or mental illness should include a statement that the person is unable to obtain or retain unsubsidized employment. Participants in this category must participate in ES. The Employment Plan should be developed with input from other professionals working with the participant and should include activities and hours approved to their ability. See §7.3 (Employment Plan (EP)), §14.30 (Post 60-Month ES Sanctions - General Provisions).

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions. Also see §13.18.6 (Learning Disabled Extension Criteria), §13.18.9 (IQ

Below 80 Extension Criteria), §13.18.12 (Unemployable Extension Criteria), §13.18.15
Family Violence Extension Criteria).

LEARNING DISABLED EXTENSION CRITERIA

13.18.6

MFIP participants with learning disabilities may be eligible for an extension if the **condition severely limits the participant's ability to obtain or maintain suitable employment.**

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week.

“Learning disabled” means the person has a disorder in 1 or more of the psychological processes involved in perceiving, understanding, or using concepts through verbal language or non-verbal means. It does not include learning problems that are primarily the result of visual, hearing, or motor handicaps, mental retardation, emotional disturbance, or due to environmental, cultural, or economic disadvantage.

Participants who are extended in the learning disabled category are considered an FSS participant and ARE REQUIRED to develop an Employment plan **for FSS participants** and follow FSS service requirements. Whenever possible, the Employment Plan should be developed with input from other professionals working with the participant, or with input from the psychologist who made the determination.

DETERMINATION OF A LEARNING DISABILITY

The determination of a learning disability must be made by a qualified professional. A qualified professional for this purpose is a licensed psychologist or school psychologist with experience determining learning disabilities. Counties and Employment Services Providers should request that the determination also include a statement about the extent to which the learning disability impacts work.

WHEN THE PARTICIPANT SPEAKS LIMITED ENGLISH

Determining if a person has a learning disability may be difficult due to limited English proficiency or lack of cultural assessment tools. Listed below is guidance for counties and Employment Services Providers to use when participants who speak limited English are referred for assessments and evaluated for extensions:

- Consider other categories of extension before requesting a mental health diagnosis for purposes of determining a learning disability.
- For purposes of an extension, counties may accept a report from a qualified professional stating that a participant who speaks limited English **may** have a learning disability, as long as other issues have been ruled out and the

participant's ability to work is severely impaired. This determination should have been made within the previous 12 months. Counties and Employment Services Providers should make every effort to ensure that the qualified professional making the determination has experience conducting cross-cultural evaluations.

- Request that the assessment report include a discussion of the limitations of testing.
- Request that the assessment report include a statement of the clinician's confidence in the results.
- Request that the assessment report identify the interpreter, his/her qualifications and relationship to the assessor, the participant, and anyone else involved in the process.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions. Also see §13.15.3 (Ill/Incapacitated Extensions), §13.18.3 (Mental Retardation/Mental Illness Extension Criteria), §13.18.9 (IQ Below 80 Extension Criteria), §13.18.12 (Unemployable Extension Criteria), §13.18.15 (Family Violence Extension Criteria).

IQ BELOW 80 EXTENSION CRITERIA**13.18.9**

MFIP participants with an IQ below 80 may be eligible for an extension of benefits if they have been assessed by a vocational specialist or **qualified professional to determine that the condition severely limits the participant's ability to obtain or maintain suitable employment.**

NOTE: A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week.

Participants extended in this category are considered a Family Stabilization Services (FSS) participant and ARE REQUIRED to develop an Employment Plan **for FSS participants** and follow FSS service requirements. Employment Plans developed for participants who are extended due to mental retardation should be developed in consultation with other professionals working with the participant. The plan should include only activities and hourly requirements appropriate to that person's abilities and current situation.

DETERMINATION OF IQ

The determination of IQ must be made by a professional qualified by training and experience to administer the tests necessary to make such a determination (tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function). These professionals include a licensed psychologist, certified school psychologists, or certified **psychometrics'** working under supervision of **a** licensed psychologist.

WHEN THE PARTICIPANT SPEAKS LIMITED ENGLISH

Determining if a person has an IQ below 80 may be difficult due to limited English proficiency or lack of cultural assessment tools. Listed below is guidance for counties and Employment Services Providers to use when participants who speak limited English are referred for assessments and evaluated for extensions:

- Consider other categories of extension before requesting a mental health diagnostic for purposes of determining mental retardation or IQ below 80.
- For purposes of extensions, counties may accept statements from qualified professionals regarding IQ that identifies a range instead of a specific score. Professionals qualified to administer tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function include licensed psychologists, certified school psychologists, or certified **psychometrics'** working under supervision of **a** licensed psychologist. Counties and Employment Services

Providers should make every effort to ensure that the professional making the determination has experience conducting cross-cultural evaluations.

- Request that the assessment report include a discussion of the limitations of testing.
- Request that the assessment report include a statement of the clinician's confidence in the results.
- Request that the assessment report related to mental retardation or low IQ include a description of the participant's functional level and functional restrictions.
- Request that the assessment report identify the interpreter, his or her qualifications and relationship to the assessor, the participant, and anyone else involved in the process.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions. Also see §13.18 (Hard to Employ Extensions).

MFIP participants who are considered “unemployable” may be eligible for an extension of MFIP benefits. It is helpful to think about this category as an extension for individuals who are unemployable because they are experiencing multiple and severe issues that significantly impact their ability to work. Participants who demonstrate they are able to work in unsubsidized employment should not be extended in this category.

Participants extended in the unemployable category are considered an FSS participant and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. Hourly requirements and activities should be appropriate to the participant’s abilities and included in the Employment Plan.

NOTE: Mental and chemical health treatment may be included in the plan on a voluntary basis.

DETERMINATION OF WHETHER THE PARTICIPANT IS UNEMPLOYABLE

Before determining whether an MFIP participant is unemployable for purposes of this extension, counties and Employment Services Providers should assess whether he or she is eligible for an extension under a different category. If he or she does not meet the criteria for another extension category, but appears to have significant and severe issues that impact their ability to work, a determination of unemployability should be done by a vocational rehabilitation specialist or another qualified professional designated by the county.

There is no single factor or cluster of factors which would indicate unemployability, but take the following into consideration:

- The participant’s work history over the past 5 years. If the person has worked, review his or her work history and the reason or reasons the participant left employment to determine whether any barriers exist which prevent the participant from maintaining a job. If the participant has not worked, review the reason he or she has not been employed to identify any barriers to employment.
- Extremely limited ability to speak or understand English, despite efforts to learn it. There must be documentation of the participant’s efforts to learn English.
- Felony record that inhibits employment in existing positions.
- Other severe and chronic mental health or chemical dependency issues that have not been professionally certified because the nature of the illness interfere with the participant’s ability to seek assessment or treatment. There must be

documentation of the agency or other professionals attempt to engage the participant in necessary services.

NOTE: Factors such as lack of child care, transportation, or housing, while they may be significant barriers to employment, do not in and of themselves constitute a basis for unemployability.

After reviewing the above, determine whether there are any factors that would result in the participant being unable to work. If there are not significant factors that would result in the participant being unable to work, he or she is considered employable and is NOT eligible for an extension. If the participant cannot work, determine whether he or she could work with a reasonable investment of available supports to address his or her limitations.

- If yes, these supports must be provided. The participant is not eligible for a hardship extension under the category of “unemployable”, but may qualify for another extension.
- If no, the county must document the lack of available supports, and the participant may be extended as “unemployable”. When appropriate, the county should assist a participant who is assessed as “unemployable” to apply for SSI.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions. Also see §13.18 (Hard to Employ Extensions).

MFIP participants who are victims of family abuse may be eligible for an extension of benefits. Participants who request this extension must verify the abuse. **See §7.36 (Family Violence Waiver Option) for a list of acceptable forms of verification.** Participants with a family violence extension are considered Family Stabilization Services (FSS) participants and **ARE REQUIRED** to develop an Employment Plan **for FSS participants** and follow FSS requirements.

These participants **MUST** work with a job counselor and/or FSS case manager and a person trained in domestic violence (if they are not already working with a domestic violence advocate) to develop the EP. The primary goal of an Employment Plan for Victims of Family Violence is to ensure the safety of the caregiver and the children. The job counselor or FSS case manager has the final approval of an Employment Plan, see §7.12 (Plan for Victims of Family Violence). The Employment Plan must be approved prior to approval of the extension, and participants must comply with activities in their plan to continue receiving the extension.

For information on post 60-month sanctions for failure to comply with an Employment Plan **for FSS participants**, see §14.30 (Post 60-Month ES Sanctions - General Provisions).

See §3.18 (Glossary: F...) for the definition of family violence. Also §7.36 (Family Violence Waiver Option), §7.36.3 (Person Trained in Domestic Violence), §13.3 (60-Month Lifetime Limit), §13.15 (Hardship Extensions).

NON-COMPLIANCE

14.3

UNLESS THERE IS GOOD CAUSE, consider a participant out of compliance with the requirements of MFIP Employment Services under these circumstances:

- The participant fails to attend the overview. See §5.12 (Employment Services Overview).
- The participant fails to conduct the required job search. See §9.12 (Job Search Activities).
- The participant fails to cooperate in the development of an Employment Plan. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence). This includes failure to attend the initial appointment with the job counselor, or failure to attend all sessions necessary to develop a signed Employment Plan.
- The participant fails to comply with or make satisfactory progress in the activities specified in the Employment Plan. The Employment Plan must clearly specify the criteria for satisfactory progress.
- The participant fails to accept or terminates suitable employment. See §7.30 (Monitoring Employment), §13.21.3 (Employed Extension Criteria - 1-Parent Units), §13.21.6 (Employed Extension Criteria - 2-Parent Units).
- The participant fails to meet school attendance requirements. See §6.3.9 (Requirements for Teen Parents).

Do not sanction a Family Stabilization Services (FSS) participant, unless all FSS sanction provisions have been met. See §11.18 (FSS Sanction Provisions).

Do not sanction a participant if there is information that the participant may meet FSS eligibility, unless all FSS sanction provisions have been met. See §11.18 (FSS Sanction Provisions).

Do not sanction a participant if the participant is unable to meet participation hours because their place of employment is closed and the participant is not eligible for holiday pay. In addition, do not increase the hours of participation to offset hours that were missed due to the holiday.

Do not sanction a participant if the participant is meeting minimum hourly activity requirements for the participant's family composition even if the employment plan is written for more than the minimum. See §7.6 (Minimum Hourly Activity Requirements).

If the plan requires more hours than the participant is achieving, the job counselor should explore the reason for the difference and consider revising the plan.

For non-compliance with an Employment Plan for victims of family violence, see §7.12 (Plan for Victims of Family Violence). “First” and “subsequent” occurrences of non-compliance with program requirements are subject to different sanctions, see §14.3.3 (Pre 60-Month Type/Length of ES Sanctions). For information on drug felons that are non-compliant, see §14.3.6 (Drug Felons Sanctions - Job Counselor Responsibilities). For information on good cause, see §14.6 (Good Cause for Non-Compliance). For post 60-month sanctions, see §14.30 (Post 60-Month ES Sanctions - General Provisions), §14.30.3 (Post 60-Month ES Sanctions - 2-Parent Units).

PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS**14.3.3**

The policies in this section apply to participants who have **NOT** reached their 60-month lifetime limit as specified in §13.3 (60-Month Lifetime Limit).

Employment Services (ES) sanctions and child support sanctions **both** count towards closure of the MFIP financial case. Closure under this sanction policy is not permanent as participants may reapply for MFIP at any time.

Refer to the DHS Information Exchange/MAXIS summary page located on the DHS-IX tab in Workforce One for sanction count occurrences and contact the financial worker immediately if there is a discrepancy.

The count toward closure does **NOT** start over, even if the participant goes off assistance, comes into compliance, and remains in compliance.

Each month that a participant fails to comply with a requirement is considered a separate occurrence of non-compliance. However, if both parents in a 2-parent assistance unit are out of compliance in the same month, it counts as 1 occurrence. The financial worker will close the MFIP financial case in the participant's 7th occurrence of non-compliance. The Employment Services case should be closed on Workforce One (WF1).

➤ **FOR THE 1ST OCCURRENCE OF NON-COMPLIANCE**

The financial worker reduces the family's grant by 10% of the **MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant**. This sanction applies when a participant in a single-parent household or 1 participant in a 2-parent household does not comply. The grant reduction must be in effect for a minimum of 1 month and must be removed in the month after the month the participant returns to compliance. For more information, see §14.18 (Time Lines for Curing the Sanction).

EXAMPLE:

Household size = 3

MFIP standard of need = \$1005 (10/1/09 standards)

Cash portion = \$532

Food portion = \$473

Rent: \$400 per month

County has chosen to vendor utilities, which are \$50 per month.

PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

10% of the MFIP standard of need (10% of \$1005) = \$101
Total grant after sanction (\$1005-\$101) = \$904
Cash portion = \$431 (\$904-\$473 (food portion) = \$431)
Food portion = \$473

➤ FOR THE 2ND THROUGH THE 6TH OCCURRENCE OF NON-COMPLIANCE

For the 2nd occurrence of non-compliance with MFIP Employment Services, review the participant's case file to determine if:

- The Employment Plan is still appropriate.
OR
- The continued non-compliance can be cured by providing a needed pre-employment activity. This includes activities such as volunteer work, literacy programs and related activities, citizenship and English as a second language classes, chemical dependency treatment, mental health services, peer group networks, displaced homemaker programs, strength-based resiliency training, parenting education, or other programs designed to help families reach their employment goals and enhance their ability to care for their children.
OR
- The participant **meets a good cause criterion**.

If the lack of an identified activity can explain the non-compliance, the provider must work with the participant to provide the activity. Also, the county must restore the participant's grant amount to the full amount retroactive to the 1st day in which the participant was found to lack pre-employment activities or **qualifies for good cause**. If the participant's grant is restored, the vendor payment of shelter (and utilities, if applicable) is removed.

The reduction in the grant must be in effect for a minimum of 1 month and must be removed the month after the month the participant returns to compliance. For more information, see §14.18 (Time Lines for Curing the Sanction). If both parents in a 2-parent household are out of compliance, the grant reduction is removed in the month following the month both participants return to compliance.

The financial worker continues to vendor pay the shelter (and utilities, if applicable) for 6 months after the month in which the participant(s) return to compliance.

The shelter costs are vendor paid up to the amount of the cash portion of the grant. At county option, the financial worker may **also** vendor pay utilities up to the amount of the cash portion of the grant.

PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

The residual amount of the cash grant after vendor payment, if any, and the food portion must be reduced by an amount equal to 30% of the MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant.

EXAMPLE:

1. Vendor rent up to the CASH portion of grant (subtract \$400 from \$532).
2. At county option, vendor utilities out of any remaining CASH portion of the grant. (In this example, \$50 is also vendored for utilities.)
3. Reduce remaining grant ($\$1005 - \$400 - \$50 = \555) by 30% of the MFIP standard of need ($\$555$ minus $\$302$ (30% of $\$1005$) = $\$253$).
4. Total grant amount for this example is \$253. The family will only receive \$253 in MFIP food benefits due to cash benefits being vendor paid. But participant's rent and utilities will be paid for the upcoming month.

➤ 7th OCCURRENCE OF NON-COMPLIANCE

The financial worker will close the MFIP case (100% sanction). Closure during the 1st 60 months is not permanent. The case must be closed for 1 full month but can be reopened after 1 month if the participant demonstrates compliance.

The Employment Services Provider must attempt a face-to-face meeting prior to case closure, see §14.24 (Case Review Requirements for Occurrences of Sanctions).

A case review is required when the case is sanctioned at 30% and an attempt at a face-to-face meeting is required prior to case closure, see §14.24 (Case Review Requirements for Occurrences of Sanctions).

If a case that has been closed for the 7th occurrence of non-compliance is reopened and has another occurrence of non-compliance, the case will be sanctioned at 30%. A 2nd occurrence of non-compliance for a case reopened after closure for non-compliance will result in case closure.

PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

A 2-parent assistance unit gets a **total** of 6 occurrences before closure. For example: if Mom has 3 occurrences and Dad has 3 occurrences in different months from Mom, the next (7th) occurrence results in case closure. However, if both parents in a 2-parent assistance unit are out of compliance during the same month, it counts as 1 occurrence.

If a case that has been closed for the 7th occurrence of non-compliance is reopened and has another occurrence of non-compliance, sanction the case at 30%. A 2nd occurrence of non-compliance for a case reopened after closure for non-compliance will result in case closure.

Closure for non-compliance does **not** make the participant ineligible for Food Support, if otherwise eligible. Case closure also does not affect health care eligibility. **When an MFIP case is closed 100% in MAXIS, a status update will come across the WF1 interface notifying the ES worker that the case is closed and the closure reason.**

➤ **REGAINING ELIGIBILITY**

Once a case has been closed due to 7th occurrence sanction, a new MFIP application must be filed with the county. The county must coordinate with Employment Services to develop an Employment Plan for the applicant that identifies the specific activities and time frames required to be considered compliant. It **may** include activities that last between 1 and 30 days.

EXAMPLE: A case is closed effective 2/1/10, after a 6th occurrence of non-compliance. If the applicant reapplies on 2/5/10, and meets with ES on 2/10/10, schedule any activities the applicant must complete in order to come into compliance between 2/10/10 and 3/10/10. **Once the participant comes into compliance, notify the financial worker immediately of the date of compliance.** The case may not be reopened in February (unless good cause is determined) as this is the 1-month mandatory closure period.

EXAMPLE: Alternatively, if the application is filed 3/1/10, and the applicant meets with ES on 3/5/10, the activities must be scheduled between 3/5/10 and 4/5/10. The compliance date would be no sooner than 3/5/10, depending on what the Employment Plan required the applicant to do. For example, if the applicant is required to participate in 2 weeks of structured job search beginning 3/8/10 and ending on 3/19/10, the case may be reopened on 3/19/10 if all requirements in the EP were met. **Once the participant comes into compliance, notify the financial worker immediately of the date of compliance.**

PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS**14.3.3**

While it is more likely that the 1st step in the process to regain MFIP eligibility is for a client to file an application with the county, it is possible that a client may meet with Employment Services BEFORE filing an application. For example, if a case is set to close for non-compliance March 1st, but the client makes direct contact and meets with Employment Services on February 26th, and THEN applies a week later on March 3rd, the 30-day compliance period could begin on 2/26 when the client met with ES.

The application may pend longer than 30 days if the scheduled activities run longer than the average 30-day MFIP processing period.

NOTE: Subsequent case closings and reopens due to non-compliance with ES should follow the same process and guidance as described above.

➤ **DUAL SANCTIONS OF NON-COMPLIANCE**

Sanctions are imposed, as follows, for participants who **do not** comply with child support requirements AND have a concurrent sanction for failure to attend orientation, or to develop or to comply with their Employment Plan:

1. If a child support non-compliance and another program non-compliance occur in the SAME month, the financial worker will reduce the family's grant by 30% of the MFIP standard of need for the 1st month, and then will vendor pay shelter costs (and utilities, if applicable) for the 2nd month.
2. The participant remains subject to vendor payments and 30% sanction until BOTH issues of non-compliance have been resolved.

For information on participants who HAVE reached their 60-month lifetime limit and qualify for a hardship extension, see §13.15 (Hardship Extensions). For post 60-month sanction information, see §14.30 (Post 60-Month ES Sanctions - General Provisions).

For information on preventing, starting, stopping, and removing sanctions, see §14.15.3 (Options for Preventing a Sanction), §14.6 (Good Cause for Non-Compliance), §14.21 (Removal of a Sanction).

Follow specific sanction provisions once a participant has been determined eligible for FSS, even if the participant has not developed an EP for Family Stabilization Services (FSS). The provisions must also be followed at the time the provider has information that a participant may meet the eligibility criteria. These provisions apply to pre or post 60-month cases. See Appendix H (FSS Sanction Guidance).

Job counselors are responsible for sending the participant an MFIP Notice of Intent to Sanction ([DHS-3175](#)) form (NOITS) when there is a determination of non-compliance.

This form must note the category of non-compliance. Options are:

- You failed to attend the overview.
- You failed to meet with your job counselor.
- You failed to develop an Employment Plan.
- You failed to meet school attendance requirements.
- You failed to follow through with the Employment Plan.
- You failed to accept suitable employment.
- You quit employment without good cause.

The [DHS-3175](#) also has space to describe what the participant must do to come into compliance. Be specific so that the participant understands EXACTLY what action must be taken and the deadline for those actions. Allow a minimum of 10 days for the participant to comply.

REMOVAL OF A SANCTION**14.21**

A participant must be in compliance with all program requirements before a sanction can be lifted. A sanction must not be lifted if the participant schedules and attends a meeting with the job counselor unless this meeting was the ONLY thing required for the participant to be considered in compliance. The participant must actually follow through with the original activities before the sanction can be lifted, if no revisions are made to the Employment Plan.

Notify the financial worker with the Diversionary Work Program/Minnesota Family Investment Program Status Update Form (DHS-3165), as soon as the participant comes into compliance. The financial worker must lift the sanction the 1st of the month following the month in which the participant came into compliance, and must lift the vendor payment sanction beginning with the 7th month after the participant has come into compliance.

If there is a dual sanction for non-compliance with both Employment Services and child support or another program requirement, each sanction is lifted separately.

- If the child support sanction is cured but the Employment Services sanction is not, the grant reduction remains at 30% of the grant remaining after vendor payments.
- If the Employment Services sanction is cured but the child support sanction is not, the 30% child support sanction remains until the month following compliance with child support requirements.

In either case, the vendor payment sanction is lifted only after the participant has been in compliance with BOTH Employment Services and child support for 6 months. See §14.18 (Time Lines for Curing the Sanction) for information about curing sanctions.

ONE MONTH MINIMUM SANCTION

MFIP statutes require a minimum 1-month sanction for failure to comply with Employment Services program requirements. The sanction is normally imposed in the month following non-compliance and lifted in the month after compliance.

However, an EXCEPTION may occur when the sanction is not imposed until the 2nd month after non-compliance because of a delay in sending a 10-day notice of adverse action, and the participant complies before the effective date of the sanction.

EXAMPLE: If the non-compliance occurs in January and the financial worker receives the Status Update Form on January 21st, it is too late for the financial worker to give the participant a 10-day notice of adverse action for February 1st. In this example, the sanction cannot be imposed until March 1st. If the participant

REMOVAL OF A SANCTION

14.21

actually comes into compliance on or before February 18th, he/she will not be sanctioned in March.

POST 60-MONTH ES SANCTIONS - GENERAL PROVISIONS

14.30

All extended participants, excluding those extended as employed, are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an **Employment Plan for FSS participants and follow FSS requirements**. Participants extended as employed are also required to participate with Employment Services but are not considered FSS.

Although general sanction policies are the same in FSS, requirements prior to imposing a sanction differ. See §14.9 (Sanction Provisions for FSS), Appendix H (FSS Sanction Guidance).

Once the FSS sanction provisions are met the post 60-month Employment Services sanction policies apply to all extended cases.

Post 60-month sanctions differ from action taken during the 1st 60 months in several important ways:

- Non-compliance may result in permanent closure of MFIP.
- Pre-60 month occurrences do not carry into extended MFIP.
- Two-parent provisions are more complex.

SANCTION SEQUENCE

When an extended participant is out of compliance, send an MFIP Notice of Intent to Sanction (DHS-3175) (NOITS). Notify the financial worker if the participant does not respond within 10 days or does not follow through with steps necessary to comply as listed on the NOITS. See §14.15 (Notifying the Participant). The financial worker will issue a notice of adverse action.

Participants may claim good cause for not complying as outlined in §14.6 (Good Cause for Non-Compliance).

Participants who do not respond or take steps necessary to comply will be sanctioned as follows:

- **1st Occurrence of Non-Compliance:**
 - MFIP Notice of Intent to Sanction (DHS-3175) (NOITS).
 - Notice of Adverse Action (NOAA), MAXIS generated.
 - 10% of the Transitional Standard (grant reduction).

➤ **2nd Occurrence of Non-Compliance:**

- Case review.
- NOAA, MAXIS generated.
- Vendor pay rent, and utilities (at county option).
- 30% of the Transitional Standard (grant reduction) after vrending.

➤ **3rd Occurrence of Non-Compliance:**

- Vendor pay rent, and utilities (at county option).
- 30% of the Transitional Standard (grant reduction) after vrending.

➤ **4th Occurrence of Non-Compliance:**

- Case closed (1st disqualification from MFIP for the case). If the family reapplies, participant(s) must comply with ES for up to 1 month BEFORE the case is reopened.

DISQUALIFICATIONS

Participants who have been removed from the MFIP assistance unit or whose MFIP case has been closed under the 4th occurrence of post 60-month sanction policy above may reapply for assistance one time. In order to be reopened, the participant(s) must demonstrate compliance with Employment Services for up to 1 month, OR meet criteria for another extension category before the participant may be added back to the unit or the MFIP case may be reopened. If the participant(s) demonstrates compliance with Employment Services, the effective date must not be prior to the date of cooperation.

When the participant is added back into the MFIP assistance unit or the MFIP case is reopened, the participants must remain in compliance. When an extended participant is out of compliance, send an MFIP Notice of Intent to Sanction (DHS-3175). Notify the financial worker if the participant does not respond within 10 days, or does not follow through with steps necessary to comply as listed on the NOITS. See §14.15 (Notifying the Participant). Participants who do not respond or take steps necessary to comply will be sanctioned as follows:

➤ **5th Occurrence of Non-Compliance:**

- NOITS.
- NOAA.

- 10% of the Transitional Standard (grant reduction).

➤ **6th Occurrence of Non-Compliance:**

- Case closed. Permanent disqualification of the case/MFIP unit, or the individual participant.

NOTE: Before disqualifying a participant under the above policy, the county must review the participant's case to determine if the Employment Plan is still appropriate and must make a good faith effort to meet with the participant face-to-face. If the participant does not comply, the county agency must send a notice of adverse action informing the participant that the MFIP case will be permanently closed or the MFIP participant will be permanently disqualified.

During the face-to-face meeting, the county agency must:

- Determine whether continued non-compliance can be explained and mitigated by providing a pre-employment activity or services.
- Inform the participant that non-cooperation with Child Support does not result in permanent case closure.
- Determine whether the participant qualifies for a good cause exception.
- Inform the participant of the sanction status and explain the consequences of continuing non-compliance.
- Identify other resources that may be available to meet the needs of the family.
- Inform the participant of the right to appeal.
- Inform the participant of the family violence waiver criteria and make appropriate referral if the participant requested for a waiver.

For information on Employment Services sanctions for pre 60-month time limit participants, see §14.3.3 (Pre 60-Month Type/Length of ES Sanctions).

For information on post 60-month for 2-parent units and removing a caregiver in a 2-parent unit, see §14.30.3 (Post 60-Month ES Sanctions - 2-Parent Units), §14.30.3.3 (Post 60-Month ES Sanctions - Removing Caregivers).

TANF PARTICIPATION RATE**16.3**

The Temporary Assistance for Needy Families Work Participation Rate (WPR) is the federally mandated work performance requirement for states that have a TANF program. States must meet a 50% WPR. This State Standard can be adjusted or reduced by the Case Reduction Credit (CRC).

WHO IS PART OF THE CALCULATION

Work Eligible Individuals (WEI) is the Deficit Reduction Act (DRA) term for who is included in the WPR denominator. A WEI must successfully meet the hourly work requirements to be included in the WPR numerator and count towards meeting the 50% requirement.

- WEI's that are included in the denominator:
 - An adult or minor caregiver receiving assistance (includes children not removed from the grant when they turn 19).
 - An adult or minor caregiver receiving SSDI- If there are enough hours to meet the rate.
 - A non-recipient parent due to a time limit.
 - A non-recipient parent due to other reasons; participants removed for fraud; parents that failed SSI test and have SSI >\$0, etc.
 - A non-recipient parent receiving SSI - If there are enough hours to meet the rate.
- Non-WEI adults (not counted):
 - A non-recipient, but not a parent (ineligible relative caregivers, for example, grandma, aunt, etc.).
 - An ineligible alien (parent) due to immigration status.
 - A non-recipient parent receiving SSI - If there are not enough hours to meet the rate.
 - An adult or minor caregiver receiving SSDI - If there are enough hours to meet the rate.

-
- A parent caring for a disabled family member in the home who does not attend school on a full-time basis.

CALCULATION OF THE TANF PARTICIPATION RATE

The steps used to calculate the TANF WPR are listed below.

1. For each month in the quarter, active TANF cases with a WEI are selected.
2. Numerator = Determine the number of cases in Step #1 for the month that meet the required hours of participation. Sum the numbers from each of the 3 months of the quarter.
3. Denominator = Determine the cases in Step #1 with a WEI for each month of the quarter.
4. TANF WPR = Percentage of cases meeting the required hours of participation for the quarter is calculated by dividing the numerator (#2) by the denominator (#3).

REQUIRED HOURS OF PARTICIPATION

Number of hours of participation needed to meet the TANF WPR requirements:

- **Single parent (1 WEI) and a dependent child under age 6.** 87 core hours are required to successfully participate and be included in the numerator.
- **Single parent (1 WEI) and no dependent child under age 6.** 130 hours (core and non-core) of which at least 87 of the 130 hours must be core to successfully participate and be included in the numerator.
- **Teen parents who are either married or the only eligible adult in the household.** These caregivers are counted as meeting the participation requirements if they attend high school (or are taking GED classes) an average of at least 1 hour per week. **NOTE:** The requirement for unmarried teens with another eligible adult in the household is 130 hours per month, 87 of which must be core hours.

TANF WPR COUNTABLE ACTIVITIES

Core Activities

- Paid work (all types):
 - Unsubsidized employment.
 - Self-employment.
 - Subsidized private and public sector employment.
 - On-The-Job Training.
- Community work experience*
- Unpaid work experience*.
- Job search (6 week limit per federal fiscal year (FFY)).
- Training & Education (maximum of 12 months in a lifetime).
- Providing child care for parents participating in community service.

*Also referred to as volunteer work experiences or unpaid work activities.

Non-Core Activities

- Job skills training directly related to employment (includes bachelor and advanced degree if < 2 years left).
- Vocational Training & Education (13+ months).
- English as a Second Language (ESL).
- Adult Basic Education (ABE).
- Functional Work Literacy (FWL).
- High School (HS)/General Equivalency Diploma (GED) teens. *

-
- HS/GED for age 20 and above.

* Participants who are <age 20 are **deemed** to meet the numerator criteria when they average of an hour or more per week in HS/GED.

Neither Core nor Non-Core Activities but Allowable Activities

- Screening.
- Assessment.
- Participating in Social Services.
- Family Violence Waiver Activities.
- Integrated Services Project (ISP) Activities.
- Holding.
- Holding-Sanctioned.
- Other (job search in 5th consecutive week or after the countable 6 weeks).
- Job search/Job Readiness Assistance (after 4 consecutive weeks or 6 weeks in FFY).

WHY THE WORK PARTICIPATION RATE IS IMPORTANT

The work participation rate is a key performance measure both for counties and for the state as a whole. Each county in Minnesota is required to meet the 50% WPR or have a 5% improvement from the previous year to earn their 2.5% WPR performance bonus.

If a county does not meet the rate, they must submit a Performance Improvement Plan (PIP), as part of their biennial Service Agreement Plan, to their county regional representative in the DHS Transition to Economic Stability Division. If the PIP is approved, the county may receive the 2.5 % WPR performance bonus.

Your role as the job counselor substantially impacts the work participation rate because the data gathered from participants and entered into the various computer systems is used to

calculate the WPR.

WHERE THE DATA COMES FROM TO CALCULATE THE WPR

The data used to complete the federal TANF report is pulled from the DHS Data Warehouse information that consists of data collected from the following source systems:

- MAXIS, for example: JOBS, BUSI, RBIC, MEMI, IMIG, MEMB, PROG, EMPS, MONY, ELIG, etc.

Some MAXIS data is frozen at 31 days after the end of the TANF WPR report month, while hour data is frozen 61 days after the end of the TANF WPR report month. For example: the March WPR is calculated based on the hour information as of June 1. This is why it is important for financial workers to make previous month corrections even if they cannot approve that version.

- Workforce One (WF1), for example: individual activity hours such as job search, volunteer work experience, ESL, FWL, etc.

WF1 data is frozen on the last day of the second month after the report month. For example: the March WPR data would be frozen on May 31. At this time it is loaded on the DHS Data Warehouse.

STEPS JOB COUNSELORS AND LOCAL AGENCIES CAN TAKE TO IMPROVE PERFORMANCE ON THE TANF WPR

There are 3 steps local agencies and job counselors can take to improve performance on the TANF WPR:

1. Know the cutoff dates and ensure all countable hours of paid employment are correctly entered in MAXIS and all non-paid countable hours are reflected in WF1.
2. Write Employment Plans that include core activities to the greatest extent possible, and supplement as necessary with non-core activities. Non-countable activities should only be included when necessary to address issues that interfere with employment. See §7.3 (Employment Plan (EP)), §7.9 (Allowable Activities), §7.9.3 (Order of Preference for Allowable Activities), §7.12 (Plan for Victims of Family Violence).
3. Develop work placements (paid work, subsidized jobs, unpaid work experience or

CWEP) which will count as core activities for participants who are unable to find unsubsidized employment. See Chapter 8 (Paid Employment Activities), §9.3 (Unpaid Employment Activities).

MFIP Transition Standards and Shared Household Standards effective **October 1, 2009**.

# Eligible People	FAMILY WAGE LEVEL	-----TRANSITIONAL STANDARD-----		
		Full Standard	Cash Portion	Food Portion
1	\$ 471	\$ 428	\$ 250	\$ 178
2	\$ 840	\$ 764	\$ 437	\$ 327
3	\$1,106	\$1,005	\$ 532	\$ 473
4	\$1,344	\$1,222	\$ 621	\$ 601
5	\$1,539	\$1,399	\$ 697	\$ 702
6	\$1,769	\$1,608	\$ 773	\$ 835
7	\$1,929	\$1,754	\$ 850	\$ 904
8	\$2,134	\$1,940	\$ 916	\$1,024
9	\$2,338	\$2,125	\$ 980	\$1,145
10	\$2,534	\$2,304	\$1,035	\$1,269
Each add'l person	\$ 196	\$ 178	\$ 53	\$ 125

Use the Family Wage Level (FWL) standard only for units with earned income.

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

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

SHARED HOUSEHOLD STANDARD :

# Eligible People	Full Standard	Cash Portion	Food Portion
1	\$ 403	\$ 225	\$ 178
2	\$ 720	\$ 393	\$ 327
3	\$ 952	\$ 479	\$ 473
4	\$1,155	\$ 559	\$ 601
5	\$1,323	\$ 627	\$ 702
6	\$1,525	\$ 696	\$ 835
7	\$1,663	\$ 765	\$ 904
8	\$1,842	\$ 824	\$1,024
9	\$2,021	\$ 882	\$1,145
10	\$2,195	\$ 932	\$1,269
Each add'l person	\$ 173	\$ 48	\$ 125

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

The Shared Household Standard does NOT apply if:

- The MFIP member is a victim of family violence.
- OR
- The non-MFIP member meets the eligible caregiver requirement.
- OR
- The MFIP family includes a child subject to the family cap.

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

- Receiving Public Assistance:
 - Minnesota Family Investment Program (MFIP).
 - General Assistance (GA).
 - Emergency General Assistance (EGA).
 - Minnesota Supplemental Aid (MSA).
 - Minnesota Food Assistance Program (MFAP).
 - Refugee Cash Assistance (RCA).
 - Food Support (FS).
 - Medical Assistance (MA).

- General Assistance Medical Care (GAMC).
 - MinnesotaCare.
 - Supplemental Security Income (SSI).
 - Adoption Assistance.
 - Relative Custody Assistance.
 - Foster Care.
-
- Roomer, Boarder, or a Person to whom Room or Board Is Paid:
For this to apply, the unit must meet the definition of ROOMER/BOARDER, not simply share living expenses. If the MFIP unit is receiving roomer/boarder income, consider the income as self-employment.

 - Minor Child

 - Minor Caregiver:
This includes minor caregivers living with parents or in an approved supervised living arrangement, if applicable.

 - Caregiver of a Child not in the MFIP Assistance Unit:
This refers to the relationship of an unrelated person in the household to a child that is not considered part of the MFIP assistance unit.

 - Providing Child Care to a Child in the MFIP Assistance Unit:
This refers to the unrelated person providing care for a child who is part of the MFIP assistance unit.

DHS Required Forms:

Do NOT use any alternative form developed by the county, tribe, or ES provider in place of a DHS required form. This is not a list of what is required to be kept in a case file.

- Assessor/Treatment Provider Report (DHS-4316).
- *Notice of Requirement to Attend MFIP Overview (DHS-2929).
- *Employment Service Rights and Responsibilities (DHS-3172).
- *MFIP Notice of Intent to Sanction (DHS-3175).
- *MFIP Self-Screen (DHS-3482).
- Brief Screening Tool for Special Learning Needs (DHS-3504).
- Injury Protection Program (IPP) - Participant Information & Authorization to Release Medical Information (DHS-3994).
- Injury Protection Program (IPP) - First Report of Injury (DHS-3995).
- Injury Protection Program (IPP) - Participant Medical Referral and Medical Care Provider Information Letter (DHS-3996).
- Injury Protection Program (IPP) - Participant Injury Status Report (DHS-3997).
- Notice of Privacy Practices (DHS-3979).
- MFIP/DWP Employment Plan – Either the paper version or the electronic employment plan on Workforce One (WF1) is required.
 - MFIP/DWP Employment Plan (DHS-4209)
 - Employment (DHS-4209A)
 - Job Search Requirements (DHS-4209B)
 - Unpaid Work Activities (DHS-4209C)
 - Education (DHS-4209D)
 - Family Safety (DHS-4209E)
 - Child Care or Transportation (DHS-4209H)
 - Health (DHS-4209I)
 - Housing (DHS-4209J)
 - Personal/Family Activity (DHS-4209K)
 - Legal Issues (DHS-4209L)
 - County/State Social Services (DHS-4209M)

DHS Required OR the County/ES Provider Must Develop an Alternative:

- Diversionary Work Program/Minnesota Family Investment Program Status Update Form (DHS-3165). A paper version is not necessary, if the electronic status update is on WF1.
- Diversionary Work Program/Minnesota Family Investment Program Employment Services Referral (DHS-3166). A paper version is not necessary, if the electronic status update is on WF1.

- *Family Violence Referral (DHS-3323).
- Request for Verification of School Attendance/Progress (DHS-2883).
- DWP/MFIP Observation Checklist (DHS-3483).
- MFIP Self-Screen Scoring Form (DHS-3482A).
- MFIP Special Learning Needs Scoring Form (DHS-3504A).

*Available in many languages.

See DHS forms on the Internet at <http://edocs.dhs.state.mn.us/>.

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MFIP Paid Employment Activities	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Unsubsidized Employment. ▪ Subsidized Private Sector Employment. ▪ Subsidized Public Sector Employment. ▪ On-The-Job Training (both public and private sector). ▪ Grant Diversion (reported as Subsidized Private or Subsidized Public Sector Employment). ▪ Paid Work Experience¹. 	<p>Core Activity (applies to all types of paid employment).</p> <p>Daily Supervision – Provided by the participant’s employer.</p> <p>Documentation Requirement – Wage stubs or other employer produced document (submitted with Household Report Form). Documentation must include the participant’s name, the dates/pay period for the hours paid, the number of paid hours (including paid holidays, vacation and sick leave and other paid time off), and the employer’s name (and signature, if available). NOTE: If a wage stub or other employer produced document cannot be obtained, documentation can be obtained by a phone call to the employer.</p> <p>Documentation Retention – Financial Worker retains a copy of the wage stub or other employer produced document in the participant’s case file. Follow MFIP records retention schedule. When verification is based on information obtained from a phone call, the Financial Worker must enter a case note to document the substance of the call, including the name and contact information of the person verifying the hours, the number or hours and the dates/pay period.</p> <p>Recording/Tracking Hours – All types of paid employment are recorded and tracked on the MAXIS system. Apply all hours of paid employment to the month the earned income is received; not the month in which the hours were actually worked.</p> <p>Verification Requirements – Financial Worker verifies the participant’s name, earned income amount, the number of hours, the pay period dates and employer name (and signature and phone number, if available).</p>

MFIP ACTIVITY TABLE

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<p>▪ Self-employment² (reported as Unsubsidized Employment).</p>	<p>Core Activity.</p> <p>Daily Supervision – Provided by the participant’s employment counselor. The employment counselor must have a check-in meeting with the participant who is self-employed no less frequently than monthly to review the participant’s self-employment status and progress toward self-sufficiency. FW should inform the employment counselor when self-employment hours do not meet TANF hourly participation requirements.</p> <p>Documentation Requirements –Self-Employment Report Form (DHS-3336) or comparable document (submitted with Household Report Form (DHS-2120)) containing the participant’s name, the dates covered, the amount of gross income and allowable business expenses for the month, and the participant’s signature.</p> <p>Documentation Retention – Financial Worker retains DHS-3336 form or comparable document in the participant’s case file. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All (paid) self-employment hours are tracked on the MAXIS system.²</p> <p>Verification Requirements – Financial Worker verifies the participant’s name, the amount of gross income and allowable business expenses for the month and the participant’s signature.</p>
<p>▪ Family Stabilization Services (FSS)</p>	<p>Follow all supervision, documentation, retention, tracking, and verification standards for paid employment activities.</p>

¹ Paid Work Experience is reported as unsubsidized employment when the wages are paid directly to the participant. Paid Work Experience is reported as subsidized employment when payment is made to the participant’s employer to reimburse the employer for wages that are paid to the work experience participant.

² Self-Employment hours of participation are derived by dividing the participant’s net business income (gross income less allowable business expenses) by the federal minimum wage (\$7.25/hour). The hours are derived automatically by the MAXIS system.

MFIP ACTIVITY TABLE

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MFIP Unpaid Work Activities	
<p>Activities</p> <ul style="list-style-type: none"> ▪ (Unpaid) Work Experience. ▪ Community Service Program¹. 	<p>Core Activity (applies to both types of unpaid work activities).</p> <p>Daily Supervision – Provided by the work site supervisor or other responsible individual employed by or stationed at the work site.</p> <p>Documentation Requirement – Time sheet (or activity log) submitted no less frequently than monthly. Must include the participant’s name, the dates covered by the time sheet (or activity log), the actual number of hours of participation each day, the name of the worksite supervisor, the worksite supervisor’s signature and phone number. NOTE: Another responsible individual who is employed by or stationed at the worksite may also sign the timesheet if the worksite supervisor is unable to do so.</p> <p>Additional Documentation Requirements for Community Service Program Placements - Community Service Program placements and the work performed by participants engaged in them must serve a useful public purpose and the work performed by the participant must improve the participant’s employability. Employment Service Providers must enter a case note that describes the useful public purpose of the position and how the placement will improve the participant’s employability.</p> <p>Documentation Retention – Employment Service Provider retains the time sheet (or activity log) in the participant’s case file. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All unpaid work hours are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – Employment Service Provider verifies the participant’s name, the number of actual hours, the dates and worksite supervisor’s or other responsible individual’s name, signature and phone number.</p>

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	<p>Fair Labor Standards Act (FLSA) – Most MFIP participants engaged in unpaid work experience or community service programs are covered under the FLSA and may not be required or permitted to work more than the number of hours equal to their combined MFIP cash and food support benefits divided by the federal minimum wage (\$7.25/hr). Participants who are engaged in the maximum number of hours as allowed by the FLSA are deemed to be meeting the TANF work participation rate. Exceptions to this are participants working for AmeriCorp and AmeriCorp/VISTA.</p>
<ul style="list-style-type: none"> ▪ Family Stabilization Services (FSS) 	<p>The only differences for unpaid employment is that a time sheet or activity log must be submitted no less frequently than monthly and it can be completed by the participant, case manager or the job counselor with information provided by the participant or unpaid work supervisor. Ensure that any contact with the participant is case noted. Verification is only necessary if any activities on the time sheet or activity log are questionable.</p>

¹ Community Service Program placements must serve a useful public purpose in fields such as health, social services, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety and child care.

MFIP ACTIVITY TABLE

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CD/MH Treatment and Rehabilitation Services	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Chemical/ Substance Abuse Treatment. ▪ Mental Health Treatment. ▪ Rehabilitation Services. 	<p>Core Activity (when tracked and reported as Job Search/Job Readiness Assistance - counts toward the Job Search/Job Readiness Assistance 120 or 180 hour limit over a 12-month period (current month plus previous 11 months). Hours recorded in more than 4 consecutive weeks are not countable as a core or non-core activity.</p> <p>Neither Core nor Non-Core¹ when:</p> <ul style="list-style-type: none"> ➤ The participant does not have enough countable hours to meet the numerator requirement ➤ The participant has more countable hours than are needed to meet the numerator requirement ➤ The 120 or 180 hour 12-month limit is reached ➤ Hours are reported in the 5th week following 4 consecutive weeks with countable Job Search/Job Readiness Assistance hours <p>AND</p> <ul style="list-style-type: none"> ➤ The CD/MH treatment or Rehabilitation Services are tracked under Participating in Social Services category. <p>Daily Supervision – Provided by a responsible individual overseeing the treatment or services provided to the participant or another responsible individual employed by or stationed at the treatment or service provider facility.</p> <p>Documentation Requirement – Time sheet or activity log submitted no less frequently than monthly. Must include the participant’s name, the dates covered by the time sheet or activity log, the actual number of hours of participation each day, the name, signature and phone number of the person providing the daily supervision for the treatment or rehabilitation services provider. NOTE: Another responsible individual who is employed by or stationed at the treatment or rehabilitation service provider may also sign the timesheet if the person providing the daily supervision is unable to do so.</p> <p>Documentation Retention – Employment Service Provider retains the time sheet or activity log in the participant’s case file. Follow MFIP records retention schedule.</p>

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	<p>Recording/Tracking Hours – All Treatment, Rehabilitation Services and Social Services hours are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – Employment Service Provider verifies the participant’s name, the number of actual hours, the dates and name, signature and phone number of the person providing the daily supervision of the participant receiving treatment or rehabilitation services (or other responsible individual’s name, signature and phone number).</p>
<ul style="list-style-type: none"> ▪ Family Stabilization Services (FSS) 	<p>CD/MH documentation and verification standards do not apply to FSS. See documentation and verification standards for MFIP Allowable Activities That Do NOT Count toward TANF Work Participation Rate.</p>

¹ See MFIP Allowable Activities That Do NOT Count Toward TANF Work Participation Rate for information about daily supervision and the levels of documentation and verification for Chemical Abuse Treatment, Mental Health Treatment and Rehabilitation Services that are not tracked and reported under the TANF Job Search/Job Readiness Assistance category.

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Vocational Educational Training	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Post Secondary Vocational Educational Training¹ (1-12 month educational program). ▪ Post Secondary Vocational Educational Training¹ (13-24 month educational program). Includes baccalaureate and advanced degree programs. 	<p>Core Activity: (12 month lifetime limit. The first 12 months of either vocational educational training program [1-12 month and 13-24 months] is reported as a core activity under the Vocational Educational Training activity category).</p> <p>Non-Core Activity: (after a participant reaches the 12 month lifetime Vocational Educational Training limit, hours in either vocational educational training program activity [1-12 month and 13-24 month] is reported (behind the scene) as non-core under the Job Skills Training Directly Related to Employment activity category).</p> <p>Daily Supervision – Provided by a responsible individual employed by or stationed at the vocational educational training institution, including but not limited to, course instructors, student advisors, or attendance office personnel.</p> <p>Documentation Requirement – Time sheet or activity log submitted no less frequently than monthly. Must include the participant’s name, the dates covered by the time sheet or activity log, the actual number of hours of participation each day, the name, signature and phone number of the individual responsible for providing the daily supervision for the vocational educational training provider. NOTE: Another responsible individual who is employed by or stationed at the vocational educational training provider may also sign the timesheet if the person providing the daily supervision is unable to do so. Electronic attendance records must contain all of the above information, but do not need to be signed by a responsible individual.</p>

Study Time Documentation - In order to count any hours of study time, the employment services provider must receive a statement from the Vocational Educational Training provider or course instructor (including baccalaureate and advanced degree education programs) which specifies the amount of study time that is required or advised in order to make satisfactory progress or complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. The amount of study time that is accepted by the employment provider must be documented on the activity log or in a case note.

On-line and Distance Learning Programs - Allowed when:

- The on-line or distance training program has mechanisms for providing reports that document the actual time the participant is accessing the on-line training program.

OR

- The on-line or distance training program is conducted in a supervised setting.

AND

Daily supervision is provided by the course instructor or other responsible individual who is overseeing the participant's on-line or distance course work and progress.

Documentation Retention – Employment Service Provider retains the time sheet or activity log in the participant's case file. Follow MFIP records retention schedule.

Recording/Tracking Hours – All Vocational Educational Training hours are recorded and tracked on the Workforce One (WF1) system.

Verification Requirements – Employment Service Provider verifies the participant's name, the number of actual hours, the dates and name, signature and phone number of the person providing the daily supervision of the participant attending vocational educational training (or other responsible individual's name, signature and phone number).

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<p>▪ Family Stabilization Services (FSS)</p>	<p>The only difference for vocational education training is that a time sheet or activity log must be submitted no less frequently than monthly. It can be completed by the participant, case manager or the job counselor with information provided by the participant. The individual responsible for providing the supervision and signing the time sheet or activity log can be the job counselor or case manager. Verification is only necessary if any activities on the time sheet or activity log are questionable.</p>
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¹ The appropriate activity for a participant enrolled in Post Secondary Vocational Educational Training is based on the length of the educational program. For example, if a participant is attending a 2-year program, enroll the participant into Post Secondary Vocational Educational Training (13-24 months) starting with the initial month in the Post Secondary program. Do not enroll the participant in Post Secondary Vocational Educational Training (1-12) months for the first 12 months of a program lasting more than 12 months.

The reporting process used in the TANF Work Participation Report will automatically determine the number of months a participant has been engaged in the training and report the hours as Vocational Educational Training until the participant has reached the 12 month lifetime limit. Any additional months are reported (behind the scene) under the Job Skills Training Directly Related to Employment category. This is done at DHS and will not require additional coding by employment service providers or counselors.

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Jobs Skills Training Directly Related to Employment	
<p>Activities ¹</p> <ul style="list-style-type: none"> ▪ Adult Basic Education (ABE). ▪ English as a Secondary Language (ESL). ▪ Functional Work Literacy (FWL). ▪ Job Skills Training Directly Related to Employment Courses. 	<p>Non Core Activity.</p> <p>Daily Supervision – Provided by a responsible individual employed by or stationed at the job skills training directly related to employment institution, including but not limited to, course instructors, student advisors, or attendance office personnel.</p> <p>Documentation Requirement – Group attendance sheets or time sheet or activity log submitted no less frequently than monthly. Must include the participant’s name, the dates covered by the group attendance sheets, individual time sheet or activity log, the actual number of hours of participation each day, the name, signature and phone number of the individual responsible for providing the daily supervision for the job skills training directly related to employment provider. NOTE: Another responsible individual who is employed by or stationed at the job skills training directly related to employment provider may also sign the timesheet if the person providing the daily supervision is unable to do so. Electronic attendance records must contain all of the above information, but do not need to be signed by a responsible individual.</p> <p>Study Time Documentation - In order to count any hours of study time, the employment services provider must receive a statement from the Job Skills Training Directly Related to Employment provider or course instructor which specifies the amount of study time that is required or advised in order to make satisfactory progress or complete the education and training program. Up to 1 hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. The amount of study time that is accepted by the employment provider must be documented on the activity log or in a case note.</p> <p>On-line and Distance Learning Programs Allowed when:</p> <ul style="list-style-type: none"> ➤ The on-line or distance training program has mechanisms for providing reports that document the actual time the participant is accessing the on-line training program. <p>OR</p> <ul style="list-style-type: none"> ➤ The on-line or distance training program is conducted in a supervised setting <p>AND</p>

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	<p>➤ Daily supervision is provided by the course instructor or other responsible individual who is overseeing the participant’s on-line or distance course work and progress.</p> <p>Documentation Retention – Employment Service Provider retains the time sheet or activity log in the participant’s case file. A group attendance sheet may be filed in the participant’s case file or a location that is readily accessible to program monitors. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All Job Skills Training Directly Related to Employment hours are recorded and tracked on the Workforce One (WF1) system under the specific categories listed in the left hand column.</p> <p>Verification Requirements – Employment Service Provider verifies the participant’s name, the number of actual hours, the dates and name, signature and phone number of the person providing the daily supervision of the participant attending job skills training directly related to employment training (or other responsible individual’s name, signature and phone number).</p>
<p>▪ Family Stabilization Services (FSS)</p>	<p>Documentation requirements for Job Skills Training Directly Related to Employment activities is a time sheet or activity log submitted no less frequently than monthly. The time sheet or activity log should include the number of hours of participation for the month. Verification is only necessary if any activities on the time sheet or activity log are questionable.</p>

¹ All activities listed in the left hand column of this chart are reported (behind the scene) as Job Skills Training Directly Related to Employment.

² A participant may be approved for college (including advanced degrees) when the participant is within 24 months of completing his/her educational program and the participant meets the conditions outlined in Minnesota Statutes 256J.53, Subd 2.

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Providing Child Care to Child(ren) of a Participant who is Participating in a Community Service Program	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Providing Child Care to Children of a Participant who is Participating in a Community Service Program. 	<p>Core Activity.</p> <p>Daily Supervision – Provided by the participant’s employment counselor (and in conjunction with the participant who is participating in the community service program). The employment counselor must meet with the participant who is providing child care to child(ren) of a participant who is participating in a community service program to review the services provided by the participant and the participant’s progress toward self-sufficiency.</p> <p>Documentation Requirement – A time sheet or activity log submitted no less frequently than monthly. Must include the participant’s name, the dates covered by the time sheet or activity log, the actual number of hours of participation each day, the name, signature and phone number of the participant who is participating in the community service program.</p> <p>Documentation Retention – Employment Service Provider retains the time sheet or activity log in the participant’s case file. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All hours of Providing Child Care to Child(ren) of a Participant who is Participating in a Community Service Program are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – Employment Service Provider verifies the participant’s name, the number of actual hours, the dates and the name, signature and phone number of the participant whose child(ren) is/are being cared for by the participant providing the child care (or other responsible individual’s name, signature and phone number).</p>
<ul style="list-style-type: none"> ▪ Family Stabilization Services (FSS) 	<p>The only difference for Providing Child Care to Child(ren) of a Participant who is Participating in a Community Service Program is that a time sheet or activity log must be submitted no less frequently than monthly and it can be completed by the participant, case manager or the job counselor with information provided by the participant. Verification is only necessary if any activities on the time sheet or activity log are questionable.</p>

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Satisfactory Attendance at a Secondary School And Courses Leading to a Certificate of General Equivalence	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Satisfactory Attendance at a Secondary School (for participants who are under 20 years old)¹. ▪ General Educational Development (GED) (for participants who are under 20 years old)¹. ▪ Satisfactory Attendance at a Secondary School or General Educational Development (for participants who are 20 years and older). 	<p>Non-Core Activity.¹</p> <p>Daily Supervision – Provided by personnel from the secondary school or GED course instructor.</p> <p>Documentation Requirement – High School Attendance - There are several methods of documenting satisfactory attendance of a secondary school including: (1) a time sheet or activity log submitted no less frequently than monthly, (2) Request for Verification of School Attendance/Progress (DHS-2883) or similar form submitted no less than monthly, (3) an on-line attendance record collected no less than monthly, or (4) via the phone. The documentation must include the participant’s name, the dates covered, the actual number of hours of participation each day, the name, signature and phone number of the school official verifying the hours of participation. NOTE: If an on-line attendance record is used to document school attendance, the record must include the participant’s name, the dates covered by the on-line attendance record, and the number of hours of attendance (or the methodology used to determine the actual hours). If the student’s attendance information is received by phone, the employment provider must document the hours, the name and contact information of the person providing the attendance information. Electronic attendance records do not need to be signed by a responsible individual.</p> <p>Documentation Requirement – GED – In addition to the above mentioned documentation requirements, a group attendance sheet may be used to document attendance for a participant who is less than 20 years old and engaged in GED.</p> <p>Study Time Documentation - In order to count any hours of study time, the employment services provider must receive a statement from the secondary or GED provider or course instructor which specifies the amount of study time that is required or advised in order to make satisfactory progress or complete the education and training program. Up to one hour of unsupervised study time per class time hour is allowed, provided it does not exceed the specified number of hours. Any additional study time must be supervised. The total unsupervised and supervised study time cannot exceed the amount of study time required or advised by the education program or instructor. The amount of study time that is accepted must be documented on the activity log or in a case note.</p>

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	<p>On-line and Distance Learning Programs – Allowed when:</p> <ul style="list-style-type: none"> ➤ The on-line or distance training program has mechanisms for providing reports that document the actual time the participant is accessing the on-line training program <p>OR</p> <ul style="list-style-type: none"> ➤ The on-line or distance training program is conducted in a supervised setting <p>AND</p> <ul style="list-style-type: none"> ➤ Daily supervision is provided by the course instructor or other responsible individual who is overseeing the participant’s on-line or distance course work and progress. <p>Documentation Retention – Employment Service Provider retains a copy of the activity log, Request for School Attendance/Form (or similar form), or a copy of the on-line attendance record in the participant’s case file. When the attendance information is received by phone, the information must be entered as a case note or retained in the case file. Follow MFIP records retention schedule. For GED, a group attendance sheet may be filed in the participant’s case file or a location that is readily assessable to program monitors. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All hours of Secondary School Attendance and GED are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – Employment Service Provider verifies the participant’s name, the number of actual hours, the dates and the name, signature and phone number of the school official verifying the hours of participation. If on-line attendance records are used, the Employment Service Provider verifies the participant’s name, the number of actual or derived hours of participation, the method used to derive the hours of participation and the dates. If the information is received by phone, the employment provider must verify the name and contact information of the person providing the attendance information.</p>
<p>▪ Family Stabilization Services (FSS)</p>	<p>Follow all supervision, documentation, retention, tracking, and verification standards for Satisfactory Attendance at a Secondary School and Courses Leading to a Certificate of General Equivalence.</p>

¹ Participants who are less than 20 years old and are the head of household or married are deemed to be meeting the TANF Work Participation Rate if they are attending a secondary school or GED classes an average of at least one hour per week during a month.

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APPENDIX E

Job Search and Job Readiness Assistance (Not CD/MH Treatment or Rehab Services) ¹	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Job Search and Job Readiness Assistance (not including CD/MH treatment or Rehabilitation Services). 	<p>Core Activity - counts toward the Job Search/Job Readiness Assistance 120 or 180 hour limit over a 12-month period (current month plus previous 11 months). Hours recorded in more than 4 consecutive weeks are not countable as a core or non-core activity.</p> <p>Neither Core nor Non-Core¹ when:</p> <ul style="list-style-type: none"> ➤ The participant does not have enough countable hours to meet the numerator requirement ➤ Then the participant has more countable hours than are needed to meet the numerator requirement ➤ The 120 or 180 hour 12-month limit is reached <p>AND</p> <ul style="list-style-type: none"> ➤ Hours are reported in the 5th week following 4 consecutive weeks with countable Job Search/Job Readiness Assistance hours. <p>Daily Supervision – Provided by the employment counselor and other responsible individuals, such as other employment provider or workforce center staff.</p> <p>Documentation Requirement – There are 3 documents that can be used to record participation in job search and job readiness assistance:</p> <ul style="list-style-type: none"> ➤ An activity log is used by the participant to list the job search and job readiness assistance activities a participant completed. The participant must submit the activity log no less frequently than weekly. The activity log must contain the date of and time spent on each contact or job search/job readiness assistance task, the type of contact or task, the position the participant was interested in, the status of the contact or task, the name of the employer/business and contact information, plus the participant’s signature stating the activity log and the hours contained on it are accurate. ➤ A sign-in attendance sheet can also be used to document job search and job readiness assistance for group meetings, such as job club and when the participant is engaged in job search and job readiness assistance at a workforce center or other location that uses sign-in attendance sheets. The sign-in attendance sheet must contain each participant’s name, the date, actual hours of participation, and a signature of a responsible individual who oversees the job search and job readiness assistance activity.²

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	<ul style="list-style-type: none"> ➤ A computerized printout stating the amount of time a participant was engaged in on-line job search activities. <p>Documentation Retention – Employment service provider retains the activity log in the participant’s case file. A group attendance sheet may be filed in the participant’s case file or a location that is readily assessable to program monitors. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All hours of job search and job readiness assistance are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – As part of the weekly check-in meetings, the employment service provider will review the activity log and verify all of the required information that is contained on the activity log. The employment counselor should sign the activity log attesting that the required information is contained on the activity log and the hours have been verified. A case note may also be used to document the participant’s activity log was reviewed and the hours have been verified.</p> <p>Verification of a Job Contact - In addition, the employment service provider must verify at least 1 job contact no less frequently than bi-weekly. Methods for verifying a job contact include (1) asking the employer to verify the job contact, (2) obtaining a copy of a computerized “receipt” for on-line applications, and (3) copies of applications, letters and business cards when questions are asked during a check-in meeting to corroborate the job contact. The employment services provider will sign a statement on the activity log or enter a case note indicating the employment provider has reviewed the activity and note whether the information contained on it was acceptable and the method used to verify the job contact.</p>
<ul style="list-style-type: none"> ▪ Family Stabilization Services (FSS) 	<p>FSS participants do not need to follow the daily supervision requirements as specified by the Deficit Reduction Act (DRA) however; it is good practice to support FSS participants who are in job search by doing a weekly check in. FSS documentation requirements for job search include a monthly time sheet or activity log completed by the participant or the case manager with information provided by the participant or the structured job search supervisor. Verification is only necessary if any activities on the time sheet or activity log are questionable.</p>

¹ See CD/MH Treatment and Rehabilitation for Chemical Dependency treatment, Mental Health treatment, and Rehabilitation Services when tracked and reported under the Job Search/Job Readiness Assistance TANF category.

² DHS Recommendation: For participants who have exhausted their 6 weeks of countable (core) Job Search/Job Readiness Assistance, use the same documentation and verification standards after the 6 weeks are exhausted. It will be less confusing for the participant if the documentation standards do not change back and forth.

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MFIP Allowable Activities That Do NOT Count Toward TANF Work Participation Rate	
<p>Activities</p> <ul style="list-style-type: none"> ▪ Assessment. ▪ Social Services¹. ▪ Screening. ▪ Family Violence Waiver. ▪ Integrated Services Project. ▪ Holding. ▪ Holding Sanctioned. ▪ Other. 	<p>Non-Countable Activities.</p> <p>Daily Supervision – Provided by the employment services counselor. Weekly or bi-weekly check-ins are recommended but no less frequently than monthly. Case note or enter on participant’s employment plan the frequency of the check-in meetings.</p> <p>Documentation Requirement – Participant employment plans must include activities. Case notes should be used to document the activity hours. Additional documentation varies according to the non-countable activity.</p> <p>Assessment: Professional MH or CD assessments, ES counselor’s assessments and/or case notes that assess participants for, including but not limited to, chemical health, mental health, physical health, child behavior, personal skills, childcare, dependent care, transportation, legal, safe living environment, housing, financial, education and social support, employability measure (if information is in WF1, additional documentation in paper file is not necessary).</p> <p>Social Services: Treatment plans, correspondence from health care, CD and MH professionals, counseling, meeting with advocates and child protection (signatures of professionals are recommended to reduce complication).</p> <p>Screening: MFIP Self-screen (DHS-3482), learning disabilities screen and other screening tools used by the county or ES provider.</p> <p>Family Violence Waiver: Employment plan created with and signed by an advocate. Examples of supporting documentation used to approve the Family Violence Waiver include, but are not limited to, police reports and sworn statements.</p> <p>Integrated Services Project: Employment plan should reflect participation in this project.</p> <p>Holding: Case note the reason why the person is in Holding (at the minimum).</p>

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	<p>Holding-Sanction: MFIP Notice of Intent to Sanction (DHS-3175). Status Update (DHS-3165) implementing the sanction.</p> <p>Other: Medical opinion form. Correspondence and other statements from qualified medical providers.</p> <p>Documentation Retention – Employment Service Provider retains the time sheet, or activity log or other forms of documentation in the participant’s case file. Follow MFIP records retention schedule.</p> <p>Recording/Tracking Hours – All hours of activities that are neither core nor non-core are recorded and tracked on the Workforce One (WF1) system.</p> <p>Verification Requirements – Employment provider verifies the information contained on the various forms, documents, related correspondence, and signatures (if required by the provider) to ensure the information is complete and accurate.</p>
<p>▪ Family Stabilization Services (FSS)</p>	<p>The only difference for MFIP Allowable Activities That Do NOT Count Toward TANF Work Participation Rate is that a time sheet or activity log must be submitted no less frequently than monthly and it can be completed by the participant, case manager or the job counselor with information provided by the participant. Ensure that any contact with the participant is case noted. Verification is only necessary if any activities on the timesheet or activity log are questionable.</p> <p>If the case manager is from another discipline, hours may be documented in accordance with the standard practices of the discipline but must be recorded on WF1 on a monthly basis by the case manager.</p>

¹ See CD/MH Treatment and Rehabilitation for Chemical Dependency treatment, Mental Health treatment, and Rehabilitation Services when tracked and reported under the Job Search/Job Readiness Assistance TANF category.

DHS Recommendation: For participants who are receiving CD/MH treatment or Rehabilitation services that previously were reported as Job Search/Job Readiness Assistance, use the same documentation and verification standards after the 6 weeks of job search are exhausted. It will be less confusing for the participant if the documentation standards don’t change back and forth.

The following list identifies the regional consultants for each of the 9 regions of the state. A star (*) denotes the 7 largest counties (caseload) that have consultants separate from the regional consultants.

Unless otherwise noted or communicated, counties within each region should contact one of the consultants listed to support that region for any questions, issues, concerns, requests for consultation, etc., related to MFIP or DWP.

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