

**CHAPTER 165. ROAD TO ECONOMIC SELF-SUFFICIENCY
THROUGH EMPLOYMENT AND TRAINING (RESET) PROGRAM**

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Cross References

This chapter cited in 55 Pa. Code § 141.41 (relating to policy); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 153.44 (relating to procedures); 55 Pa. Code § 171.21 (relating to policy); 55 Pa. Code § 183.91 (relating to LRR, parent or legal guardian of an AFDC minor parent and stepparent deductions); and 55 Pa. Code § 183.97 (relating to ineligibility for disregards from earned income for TANF and GA).

GENERAL RESET PROVISIONS**§ 165.1. General.**

(a) A recipient who is not exempt shall participate in RESET. An exempt individual may volunteer to participate in RESET. The CAO will inform an applicant and recipient of the rights and responsibilities, and services and benefits available to RESET participants. A recipient's ability to meet RESET participation requirements will be assessed after consultation with the recipient. Applicants and recipients shall comply with this chapter.

(b) The Department will provide RESET participants, to the extent necessary, case management and approved supportive services as may be necessary to support participants in becoming self-sufficient. In addition, participants will be provided with or referred to education, training and employment-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that may assist participants to prepare for and obtain employment in jobs they may realistically be expected to obtain.

(c) The Department may, in its discretion, provide employment, education, training, work-related activities or work experience programs to applicants or recipients. Nothing in this chapter shall be interpreted as requiring the Department to develop or to offer or to continue to offer employment, education, training, work-related activities or work experience programs.

Authority

The provisions of this § 165.1 amended under sections 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.1 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252542).

§ 165.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AMR—Agreement of Mutual Responsibility—

(i) A written individualized document that, based on an assessment of the individual's skills and abilities, sets forth the responsibilities and obligations to be undertaken by the individual to achieve self-sufficiency, including participation in approved work and work-related activities.

(ii) The AMR includes the time frames within which each obligation is to be completed, the penalties for failure to comply, and the services to be provided by the Department to support the individual's efforts.

Appropriate child care—

(i) Services operating in accordance with applicable State regulations for child day care centers, group day care homes and registered family day care.

(ii) The term also includes informal care provided in the child's home or the home of the caregiver.

*Bona fide offer of employment—*To be considered a bona fide offer of employment, there must be reasonable assurances that:

(i) Appropriate standards for the health, safety, minimum wage and other conditions applicable to the performance of work and training in the employment are established and will be maintained.

(ii) The employment will not result in any displacement of employed workers and with respect to that employment, the conditions of work, train-

ing, education and employment are reasonable in light of factors such as the type of work, geographical region and proficiency of the participant.

(iii) The employment is not available due to a labor dispute, strike or lock-out.

EDP—Employment Development Plan—

(i) An individualized agreement with the Department that is completed by the Food Stamp recipient and is based on the individual's skills and abilities.

(ii) An EDP sets forth an employment goal with responsibilities and obligations to be undertaken by the individual to achieve that goal and the time frames within which each obligation is to be completed.

(iii) The EDP describes services to be provided by the Department.

*Exempt—*Individuals who are not required to comply with RESET participation requirements, as specified in § 165.21 (relating to exemptions from RESET participation requirements).

*Full-time child care—*Child care of at least 5 hours per day.

*Grant diversion—*The use of all or a portion of a recipient's cash assistance grant and Food Stamps as a wage supplement to an employer.

*Noncompliance—*The failure or refusal to comply with this chapter.

*Participant—*An individual who is actively engaged in a mutually agreed upon and approved education, employment or training related activity.

*Part-time child care—*Child care of less than 5 hours per day.

*Preexpenditure approval—*Approval by a person specified by the Department prior to the recipient's incurring an expense for an item or service.

*Reasonable distance—*Up to 2 hours travel time round trip from home to the work site, including travel time to the child or adult care provider, by reasonably available public or private transportation.

*RESET—Road to Economic Self-Sufficiency Through Employment and Training—*A program operated by the Department, within the constraints of available funds, to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable.

*Special allowances for supportive services—*Payments for items and services as determined by the Department to be necessary to enable a participant to prepare for, seek, accept or maintain education, employment or training.

Authority

The provisions of this § 165.2 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.2 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252543).

Cross References

This section cited in 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 133.23 (relating to requirements); 55 Pa. Code § 141.52 (relating to definitions); 55 Pa. Code § 165.52 (relating to good cause); and 55 Pa. Code § 281.2 (relating to definitions).

§ 165.11. [Reserved].

Source

The provisions of this § 165.11 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1992, 22 Pa.B. 4875; reserved September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252543) to (252544).

EXEMPTIONS FROM RESET PARTICIPATION REQUIREMENTS

§ 165.21. Exemptions from RESET participation requirements.

(a) An individual's exemption status is reviewed when a change is reported that would affect the individual's exemption status, when a condition is expected to change and at each reapplication interview. The individual is notified in writing of changes in exemption status.

(b) An individual who is exempt may volunteer to participate in RESET.

(c) An individual shall participate in RESET unless the individual establishes good cause under § 165.52 (relating to good cause) or the individual is exempt. An individual may be exempt if the individual is one of the following:

(1) Mentally or physically disabled, as verified by a physician or licensed psychologist, and the disability temporarily or permanently precludes any form of employment or work-related activity.

(i) An exemption period for recuperation after childbirth is determined by a physician or licensed psychologist.

(ii) Because mentally ill or mentally retarded persons cannot always acknowledge or explain their impairment and are frequently incapable of obtaining verification, persons who, in the judgment of the worker are mentally impaired, shall be referred to the Disability Advocacy Program for further evaluation. These persons will be exempt pending the results of an evaluation.

(iii) The Department may require an applicant or recipient with a verified temporary mental or physical disability, including drug or alcohol dependency, to pursue appropriate treatment as a condition of receiving assistance.

(iv) The Department may require an applicant or recipient to submit to an independent examination as a condition of receiving assistance.

(2) The parent or other caretaker who is personally providing care for a child under 6 years of age for whom an alternate child care arrangement is unavailable.

(3) A child who is under 18 years of age and pursuing a high school diploma or a certificate of high school equivalency.

(4) The custodial parent in a one-parent household who is caring for a child who is under 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

Authority

The provisions of this § 165.21 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.21 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsection (c)(10) and (11) applies retroactively to October 1, 1990, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252544) to (252545).

Cross References

This section cited in 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 141.56 (relating to deferred referral); 55 Pa. Code § 165.2 (relating to definitions); 55 Pa. Code § 165.31 (relating to participation); 55 Pa. Code § 165.52 (relating to good cause); and 55 Pa. code § 281.3 (relating to eligibility requirements).

§ 165.22. Verification of exemption.

(a) *Need for verification.* The applicant or recipient shall cooperate in providing necessary information and verification regarding the basis for exemption.

(1) The CAO may assist an individual in obtaining verification when help is needed.

(2) The Department may require an applicant or recipient claiming an exemption based on a physical or mental disability which temporarily or permanently precludes any form of employment or work-related activity to submit to an independent examination as a condition of receiving assistance, if the individual is exempt from RESET.

(3) An applicant or recipient with a verified physical or mental disability which temporarily precludes any form of work or work-related activity shall pursue appropriate treatment to restore or improve the individual's ability to work, as a condition of receiving assistance, if the individual is exempt from RESET.

(4) An individual is not required to verify information that was previously verified and is not subject to change.

(b) *Types of verification.* Verification of an exemption consists of reasonably available documentation specified by the Department and includes birth certificates or baptismal records, written statements from physicians, licensed psychologists or school officials that support the Individual's claim for an exemption.

(1) The verification of a physical or mental disability shall be established on a form specified by the Department and shall be based on acceptable clinical and laboratory diagnostic techniques rather than on the applicant's or recipient's statement of symptoms.

(2) If the individual fails to verify the claim for an exemption, the individual shall participate in RESET unless the individual has cooperated in seeking verification and verification is unavailable.

(c) *Expiration of exemption.* The CAO will notify the exempt individual in writing when the period of exemption is due to end.

(1) The individual will be given an opportunity to provide new or additional verification to continue the exemption.

(2) The individual will be given the opportunity to prepare to comply with RESET participation requirements under § 165.31 (relating to RESET participation requirements).

Authority

The provisions of this § 165.22 issued under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.22 adopted September 13, 2002, September 14, 2002, 32 Pa.B. 4435.

§ 165.23. [Reserved].

Source

The provisions of this § 165.23 amended through July 2, 1982, effective July 3, 1982, 12 Pa.B. 2061; reserved October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875. Immediately preceding text appears at serial pages (168631) to (168632) and (165941) to (165951).

Cross References

This section cited in 55 Pa. Code § 166.23 (relating to requirements).

§ 165.24. [Reserved].**Source**

The provisions of this § 165.24 amended through July 2, 1982, effective July 3, 1982, 12 Pa.B. 2061; reserved October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875. Immediately preceding text appears at serial pages (165951) to (165953).

Cross References

This section cited in 55 Pa. Code § 166.23 (relating to requirements).

§ 165.25. RESET participation requirements following an exemption.

An individual who was formerly exempt shall participate in RESET, as specified in § 165.31 (relating to RESET participation requirements), in accordance with the following:

- (1) An individual who was exempt due to a physical or mental disability is required to participate in RESET:
 - (i) Immediately if the condition ceases during the first 22 months that the individual receives cash assistance.
 - (ii) Within 8 weeks if the condition ceases after the individual has received cash assistance for 22 months or more.
- (2) An individual who was exempt from RESET because the individual is providing child care for a child under 6 years of age shall participate in RESET as soon as alternate child care arrangements are available or when the child becomes 6 years of age, whichever occurs first.
- (3) An exempt individual under 18 years of age shall participate in RESET when the individual:
 - (i) Reaches 18 years of age, although the individual may be able to continue to pursue a high school or equivalency program after age 18 as a work-related activity during the first 24 months of receipt of cash assistance.
 - (ii) Attains a high school diploma or a certificate of high school equivalency.
 - (iii) Ceases to pursue a high school diploma or a certificate of high school equivalency.
- (4) A custodial parent in a one-parent household who was exempt to provide care to a child under 12 months of age shall participate in RESET if one of the following conditions applies:
 - (i) The child reaches 12 months of age.
 - (ii) The custodial parent has claimed this exemption for a total of 12 months during the parent's lifetime.
 - (iii) The custodial parent chooses to end the exemption.

Authority

The provisions of this § 165.25 issued under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.25 adopted September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435.

RESET PARTICIPATION REQUIREMENTS**§ 165.31. RESET participation requirements.**

(a) The following RESET participation requirements always apply:

(1) An individual who is not exempt under § 165.21 (relating to exemptions from RESET participation requirements) shall seek and accept any bona fide offer of employment and maintain employment.

(2) A nonexempt individual shall accept referral to, work in and retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(3) A nonexempt individual may not, without good cause, voluntarily terminate employment, reduce earnings or fail to apply for work.

(4) Information indicating noncompliance with this section will result in a compliance review in accordance with § 165.51 (relating to compliance review).

(5) A nonexempt recipient's willful failure, without good cause, to comply with this subsection will result in the imposition of sanctions as specified in § 165.61 (relating to sanctions).

(b) *Requirements that apply during the first 24 months.* The following RESET participation requirements apply during the first 24 months:

(1) A nonexempt individual who is not employed for an average of at least 20 hours per week shall participate in a work-related activity.

(2) A nonexempt individual who is not employed for an average of at least 20 hours per week shall accept referral to, participate in and continue to participate in an available work-related activity, including work-related activities specified on the AMR.

(3) For the initial work-related activity, the individual shall participate in an initial job search for up to 8 weeks, except as provided in paragraph (6) and subsection (f).

(i) For an applicant, the initial job search is required upon authorization of cash assistance.

(ii) The applicant or recipient shall document these efforts and present the documentation to the appropriate CAO upon request.

(4) After the initial job search, the individual may fulfill the work-related activity requirement, subject to the limitations in paragraphs (5)—(8), by participating in one or more of the following activities, as approved by the Department:

- (i) Subsidized employment.
- (ii) Work experience.
- (iii) On-the-job training.
- (iv) Community service.
- (v) Workfare.
- (vi) Job search, whether independent or assisted, and job readiness and job preparation activities.
- (vii) Vocational education training or job skills training.
- (viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.
- (ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.

(x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.

(5) During the first 24 months that an individual receives cash assistance, whether consecutive or interrupted, participation in an approved vocational education, general education, English-as-a-second language and job skills training counts toward fulfilling the work-related activity requirement of this subsection for a maximum of 12 months. After 12 months of education or training, the individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, unless the individual establishes good cause under § 165.52 (relating to good cause).

(6) A recipient 18 years of age or older but under 22 years of age who does not have a high school diploma or its equivalent may fulfill RESET participation requirements by pursuing a high school diploma or its equivalent, provided that the individual maintains satisfactory progress, as defined by the institution.

(7) Work experience is limited to 6 cumulative months in an individual's lifetime.

(8) Notwithstanding paragraph (7), work experience may be extended beyond the 6-month lifetime limit if necessary to comply with Title II of the Americans With Disabilities Act (42 U.S.C.A. §§ 12131—12165).

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(c) *Requirements that apply after the first 24 months.* The following RESET participation requirements apply after the first 24 months:

(1) After receiving cash assistance for 24 months, whether the months are consecutive or interrupted, a nonexempt individual shall, as a condition of eligibility or continuing eligibility for cash assistance, participate for an average of at least 20 hours per week in any one or a combination of the following activities, as approved by the Department:

- (i) Unsubsidized employment.
- (ii) Subsidized employment.
- (iii) Work experience.
- (iv) Community service.
- (v) On-the-job training.
- (vi) Workfare.

(2) After 24 months of receipt of cash assistance, an individual may continue to pursue education or training, but shall also fulfill RESET participation requirements, including the minimum 20-hour-per-week work activity requirement in paragraph (1), unless the individual establishes good cause, as specified in § 165.52.

(3) Work experience is subject to the provisions of subsection (b)(7) and (8).

(d) *AMR and EDP.* Final approval of the work and work-related activities listed in the AMR or EDP rests with the Department. The AMR and EDP are not considered contracts. Factors to be considered in developing the AMR and EDP include:

- (1) Available program services.
- (2) The client's previous education and training.
- (3) The client's supportive services needs.
- (4) The client's skills level and aptitudes.
- (5) Local employment opportunities.
- (6) The client's goals and interests, to the extent possible.

(e) *Self-initiated education or training.* Subject to subsections (b) and (c), self-initiated education or training may be approved as part of an individual's AMR, if the person is making satisfactory progress as defined by the institution.

(f) *Exempt voluntary participation.* An exempt individual may volunteer to participate in RESET. An exempt volunteer is not required to conduct an initial job search before participating in RESET.

Authority

The provisions of this § 165.31 amended under sections 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA),

creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.31 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with the exception of subsections (b), (c) and (e) which are effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252546) to (252547).

Cross References

This section cited in 55 Pa. Code § 165.22 (relating to verification of exemption); 55 Pa. Code § 165.25 (relating to RESET participation requirements following an exemption); 55 Pa. Code § 165.51 (relating to compliance review); and 55 Pa. Code § 281.3 (relating to eligibility requirements).

SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES

§ 165.41. Eligibility for special allowances for supportive services.

(a) A cash assistance or Food Stamp recipient may receive certain special allowances to pay for in advance or to reimburse costs of supportive services, as specified in this chapter, to enable the individual to prepare for, seek, accept or maintain education, training or employment. Payment for supportive services will be made in advance whenever the payment is needed by the individual to begin or maintain a RESET activity.

(b) For an individual seeking cash assistance to qualify to receive a special allowance for supportive services, the individual shall be determined eligible for cash assistance, participate in RESET unless exempt and have an approved AMR. For an individual seeking only Food Stamps, to qualify for a special allowance for supportive services, the individual shall comply with an approved EDP. The approved AMR or EDP, whichever is applicable, must specify the activities for which the supportive services will be provided.

(c) A special allowance for supportive services is made only to the extent that the item or service is not available from another public source at no cost to the individual, does not interfere with parental choice as specified in §§ 165.46(a)(5) and 168.11(b) (relating to types of special allowances for supportive services; and general requirements), and cannot be met by educational assistance. The activity may not be secondary education or an equivalent level of vocational or technical training, unless the individual is a pregnant female or custodial parent.

(d) The CAO will inform the individual, in writing and orally, of the availability of special allowances for supportive services at application, reapplication and whenever the AMR or EDP is developed or revised.

(e) The CAO shall assist the participant to obtain supportive services to participate in employment, education, training and job search activities, including precomponent activities such as orientation.

(f) Except as otherwise restricted in this chapter, special allowances for supportive services may be granted as often as required to enable the individual to participate in an approved education or training activity and once for each job.

Authority

The provisions of this § 165.41 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.41 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsections (c) and (d) are effective October 3, 1992, 22 Pa.B. 4875; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252547) to (252548).

Cross References

This section cited in 55 Pa. Code § 141.57 (relating to special allowances).

§ 165.42. Advance payment of special allowances for supportive services.

(a) Special allowances for supportive services, including child care, shall be paid in advance of the date that payment is required by the provider, consistent with the requirements and time frames in §§ 165.45 and 168.1(b)(3) (relating to time frames for authorization of payment of special allowances for supportive services; and policy on payment of child care).

(b) The advance payment requirement applies to initial and recurring payments of special allowances for supportive services in accordance with § 165.45.

(c) This section does not apply to vendor payments for child care under § 165.46(a)(11)(ii) (relating to types of special allowances for supportive services).

Source

The provisions of this § 165.42 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271. Immediately preceding text appears at serial pages (175236) to (175237).

Cross References

This section cited in 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.43. Requests for special allowances for supportive services and time frames for eligibility determinations.

(a) The CAO shall document an oral or written request for a special allowance for supportive services. A written decision approving or denying the request shall be issued by the CAO no later than 15-calendar days following the request.

(b) A Notice to Applicant as provided in Chapter 125 (relating to application process), shall be used to inform the client of the CAO's decision on the request for supportive services.

(c) When the request for a special allowance for supportive services is approved, the written notice shall be issued within the time frame for authorization of payment in § 165.45 (relating to time frames for authorization of payment of special allowances for supportive services).

Source

The provisions of this § 165.43 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875.

Cross References

This section cited in 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.44. Verification for special allowances for supportive services.*(a) Verification needed to authorize payment.*

(1) Before authorizing the initial payment, the CAO shall determine the following:

(i) Whether the supportive service requested is necessary to enable the participant to engage in an approved education or training activity or to apply for employment.

(ii) The expected charge for the service or item requested.

(iii) The date the service or item is needed by the participant.

(iv) The date that payment for the service or item is required under the provider's usual payment policy or practice.

(2) Verification of the need for special allowances for supportive services is required only when it is not readily apparent.

(3) Acceptable verification of the information needed for initial authorization consists of collateral contracts, written statements or completed Departmental forms, obtained from sources such as employers, prospective employers, school officials, training providers or providers of supportive services.

(4) The CAO shall use collateral contacts whenever necessary to ensure that payment is made in advance of the date that payment is required by the provider.

(b) Verification needed to review continued eligibility.

(1) The participant's continued eligibility for a special allowance for a supportive service is reviewed monthly, or more often if costs are likely to change, at each reapplication, whenever a change in employment or training is reported by the participant or the training provider, and whenever the EDP is revised.

(2) To review the participant's continued eligibility, the CAO shall require verification of the actual costs incurred by the participant for the supportive service and verification of the participant's attendance at an education or training activity or at employment.

(3) When verification provided to the CAO indicates a change in eligibility, payment of the special allowance to the participant shall be reduced, terminated or increased, as appropriate, upon issuance of a confirming notice to the participant, in accordance with § 133.4(c) (relating to procedures).

(c) Special requirements related to child care for GA recipients.

(1) Child care costs shall be verified through a collateral contact by the CAO with the child care provider, by a written statement signed by the provider or on a form specified by the Department.

(2) When a special allowance for child care is authorized based on a collateral contact or a written statement from the provider, verification of the charge for child care on a form specified by the Department shall be submitted

to the CAO within 30 days of the first day child care costs were incurred. The CAO shall assist the client, as needed, to obtain a completed verification form from the provider.

(3) Verification of factors other than cost relating to the need for child care shall consist of collateral contacts with, or written statement from, employers, prospective employers, physicians, licensed psychologists, school officials, or training providers or copies of court orders or pay stubs. The client's statement regarding suspected child abuse is acceptable evidence. Information previously verified need not be repeated unless it is subject to change.

Source

The provisions of this § 165.44 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271. Immediately preceding text appears at serial pages (175237) to (175239).

§ 165.45. Time frames for authorization of payment of special allowances for supportive services.

(a) When verification is obtained or received by the CAO within 5-calendar days following a request for a special allowance for supportive services, the CAO shall authorize payment no later than 10-calendar days following the date of request.

(b) When verification is obtained or received by the CAO more than 5 days following a request for special allowance for supportive services, the CAO shall authorize payment no later than 5-calendar days after receipt of the verification.

(c) When the last day for authorization of payment falls on a weekend or holiday, the CAO shall authorize payment on or before the working day immediately preceding the weekend or holiday.

(d) Authorization of payment shall include actually processing the data needed to issue a check, including completing required forms and performing data entry.

(e) The CAO shall issue the written decision approving the special allowance for a supportive service within the time frame for authorization of payment in this section.

(f) The CAO shall use the method of payment, such as a county or central issuance, that is best calculated to provide payment to the client in advance of the date that payment for the supportive service is required by the provider.

Source

The provisions of this § 165.45 adopted October 2, 1992, effective October 3, 1992, 22 Pa.B. 4875.

Cross References

This section cited in 55 Pa. Code § 165.42 (relating to advance payment of special allowances for supportive services); 55 Pa. Code § 165.43 (relating to requests for special allowances for supportive services and time frames for eligibility determinations); 55 Pa. Code § 165.46 (relating to types of special allowances for supportive services); and 55 Pa. Code § 168.1 (relating to policy on payment of child care).

§ 165.46. Types of special allowances for supportive services.**(a) Child care for GA recipients.**

(1) Payment for child care is made to enable the caretaker/relative or custodial parent to participate in an approved education or training activity or to apply for employment.

(2) The CAO shall promptly inform an ETP participant who is in need of child care about the following:

(i) The types and locations of child care providers reasonably accessible to the participant.

(ii) The assistance available to help the participant select an appropriate child care provider.

(iii) The assistance available on request to help the participant obtain a child care provider.

(iv) That child care payments shall be paid in advance of the date that payment is required by the provider, consistent with the requirements and time frames in § 165.45 (relating to time frames for authorization of payment of special allowances for supportive services), to ensure that the participant will have access to the child care provider of the participant's choice.

(3) Special allowances for child care are available for the following types of providers, including the following:

(i) Center-based care.

(ii) Group family day care.

(iii) Family day care.

(iv) Department of Education administered day care.

(v) Unregulated care.

(4) Child care payments may be made only to a person or business entity who allows parental access to the child while a child is in care without the need for prior notification and who provides care in accordance with applicable Federal, State and local law.

(5) The caretaker/relative shall have the right to choose from any type of child care that is available under this chapter and the right to choose any child care provider who meets the requirements of this chapter.

(6) Payments are made for care of a child who is one of the following:

(i) Twelve years of age or younger, living in the home of the parent or caretaker/relative and receiving cash assistance, or who would be eligible to

receive cash assistance except for the receipt of SSI or foster care under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—677).

(ii) Thirteen years of age or older if it has been verified by a physician or licensed psychologist that the child is not physically or mentally capable of caring for himself or it is verified that the child is under a court order requiring adult supervision, the child is living in the home of the parent or caretaker/relative and is receiving cash assistance, or who would be eligible to receive cash assistance except for the receipt of SSI or foster care under Title IV-E of the Social Security Act.

(7) Payment is made for the eligible cost of child care up to the maximum allowance established by the Department in § 168.1 (relating to policy on payment of child care) or the rate charged the general public, whichever is less, per child. Recipients receiving special allowances for child care before implementation of the maximum allowances continue to receive payment for actual reasonable costs incurred for child care. Eligible costs include charges for days on which the child does not attend due to illness, vacation, or the like. Charges for transporting the child to or from care are included if not levied as a separate charge by the provider.

(8) Payment for providing care of children will not be made to the following persons or business entities owned by:

- (i) A biological or adoptive parent of the child.
- (ii) A legal guardian of the child.
- (iii) A stepparent of the child living in the home.
- (iv) Persons receiving TANF as essential persons.
- (v) Other members of the budget group of which the child is a member.

(9) Payment for child care shall be made for persons awaiting entry into, or during breaks in, approved education training or employment for one of the following:

- (i) Up to 2 weeks.
- (ii) Up to 30 days when it is verified that the arrangements would otherwise be lost in the interim period.

(10) Payment of child care shall be reasonably related to the hours of employment or ETP participation, including travel time.

(11) Payment for child care may be made by one of the following:

(i) Direct payment to the recipient when the provider is unregulated or is regulated but is not enrolled in the Department's child care vendor payment system.

(ii) Vendor payment to a regulated provider who has signed the Department's vendor payment agreement and who is enrolled in the Department's child care vendor payment system.

(iii) Restricted endorsement check to the recipient and provider.

(iv) The earned income deductions in §§ 183.94(3) and 183.95(2) (relating to TANF earned income deductions; and GA earned income deductions)

for employed clients, except that clients earning wages in a work experience training activity may receive payment for the difference between the child care deduction and the maximum child care allowance established by the Department in § 168.1 when the cost of child care exceeds the deductions in §§ 183.94(3) and 183.95(2).

(12) Child care services are not considered as needed when an unemployed biological or adoptive parent, specified relative or legal guardian is in the home unless that person is physically or mentally incapable of providing care or is involved in education, training, job search or employment related activities, or the child is at risk due to suspected child abuse or the custodial parent is participating in a Single Point of Contact or Department or Department of Education Pregnant and Parenting Youth Program.

(13) Preexpenditure approval is required unless the child care is for a job interview and the client is unable to contact the worker prior to the scheduled interview.

(b) *Care of incapacitated adults.* Payments are made for the eligible costs of nonmedical care up to the maximum rates established for infant care of an incapacitated adult living in the same home if care is required to enable a recipient to participate in an approved education or training activity or to apply for employment and no other sound plan can be made for care of the incapacitated adult. Costs for care of incapacitated adults for maintaining employment are met by the earned income deductions in §§ 183.94(3) and 183.95(2) except that clients earning wages in a training activity, such as work experience, may receive payment for the difference between the deduction for care of an incapacitated adult found in §§ 183.94(3) and 183.95(2) and the actual nonmedical costs incurred.

(1) There shall be verification of the person's incapacity and the need for the care.

(2) Payment will be made for the actual cost of care.

(3) Payment for providing care will not be made to the following:

(i) The spouse of an incapacitated person.

(ii) An essential person.

(iii) Other members of the budget group of which the recipient or incapacitated adult is a member.

(4) Preexpenditure approval is required.

(c) *Transportation and related expenses.* Payments are made for eligible transportation costs incurred due to participation in ETP activities or for accepting employment. Transportation costs under paragraph (1) or (2) for maintaining employment are met by the earned income deductions in §§ 183.94(1) and 183.95(2). Payment is made for the least costly type of transportation which is available and practical considering the location and hours of scheduled employment or training, the client's physical condition and the need to transport children to a child care provider. Payment for transportation-related costs is not made if

the activity is secondary education or an equivalent level of vocational or technical training unless the person is a pregnant female or a custodial parent.

(1) *Public transportation.* Payment is made for costs incurred for transportation provided by bus, subway, commuter or long distance rail, taxi, air, paratransit or other recognized modes of transportation.

(i) Payment for public transportation is the actual cost to the client up to the maximum monthly amount established by the Department in Appendix A (relating to employment and training special allowances).

(ii) Except for air or long distance rail travel, preexpenditure approval is not required. Verification of the need and the cost of transportation is required within 30 days of the date the transportation expense was incurred.

(2) *Private transportation.* Payment is made for costs incurred for transportation provided by privately owned vehicles, ride sharing and car or van pools.

(i) Payment for transportation by a vehicle owned by the client is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum monthly amount established by the Department in Appendix A.

(ii) For an allowance provided for the client to ride with a volunteer car and driver, the volunteer driver is paid at the mileage rate established by the Department in Appendix A, and the actual cost of the parking and highway or bridge tolls up to the maximum monthly amount established by the Department in Appendix A.

(iii) For an allowance provided for transportation by a car or van pool, the client receives a proportionate share of the cost up to the maximum monthly amount established by the Department in Appendix A. If the client's share is a flat fee, the actual fee is used up to the maximum monthly amount established by the Department in Appendix A.

(3) *Motor vehicle purchase or repair.* When there is no other type of practical transportation available or other available transportation is more expensive, a special allowance may be authorized toward the purchase, down payment to purchase or repair of a motor vehicle for an individual to accept a firm job offer, to prevent the loss of current employment, to attend an approved education or training activity or to transport children to day care while the client is employed or participates in an approved education or training activity.

(i) The maximum total allowance toward a motor vehicle purchase, down payment and repair is limited to a rate established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(4) *Motor vehicle related expenses.* The cost of a driver's license, State inspection fee, emission control inspection fee, license plates and vehicle registration fee may be authorized if they are needed for an individual to accept a

firm job offer, to attend an approved education or training activity, or to transport children to day care while the client participates in an approved education or training activity.

(i) Payment is made for actual cost up to the maximum allowance established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(5) *Moving/relocation costs.* A special allowance may be granted if an individual is relocating to accept a verified offer of gainful, permanent employment and if the individual has not received a moving allowance for any reason within the previous 12 months.

(i) Payment is not made for moves by unlicensed moving companies except as provided for in § 175.23(b)(3)(i)(C) (relating to requirements).

(ii) The maximum allowance toward moving/relocation costs is limited to the rate established by the Department in Appendix A, in a 12-month period. The 12-month period begins with the first authorization of this allowance.

(iii) Preexpenditure approval is required.

(6) *Lodging and food.* A special allowance toward lodging and food may be granted if an individual has to be away from home one or more nights to apply for employment or an approved education or training activity or to attend training.

(i) Payment for lodging will be made for actual costs up to the rates established for Commonwealth employes by the Office of Administration. These rates will be available upon request at the CAO. When lodging cannot be located with a reasonable effort within these rates, the rates may be exceeded. The rate may also be exceeded if the client is required to stay in a specific hotel or motel. A complete explanation of lodging costs in excess of the rate shall be documented in the CAO record.

(ii) Payment for food will be made for each 24-hour period the individual has to be away from home in accordance with the rates established for Commonwealth employes by the Office of Administration and the Office of the Budget. These rates will be available upon request at the CAO. Overnight travel of less than 24 hours will be divided into 6-hour periods and reimbursed at the fractional day allowance rates. An allowance will not be provided for less than 3 hours. Payment will not be made for meals provided by a prospective employer or included as part of registration fees.

(iii) Preexpenditure approval is required.

(d) *Other expenses related to employment and training.* Special allowances may be authorized for other items related to applying for or accepting employment or for participating in approved education or training activities. Preexpenditure approval is required. The maximum allowances for these items are the rates established by the Department in Appendix A.

(1) *Clothing.* A special allowance may be authorized for street or business clothing and grooming items needed to make a client presentable to accept a job or to enter an approved education or training activity or specialized clothing, such as uniforms or safety shoes verified by the employer or training provider as needed for the client to work at a job or to participate in an approved education or training activity.

(2) *Tools and other equipment.* A special allowance may be authorized for tools and other equipment, such as goggles, helmets and wrenches which an employer or training provider specifies are necessary for employment or participation but which are not provided by the employer or training provider and are not available under Federal, State or other educational grants.

(3) *Books and supplies.* A special allowance may be authorized for books and supplies, such as pens, pencils, wristwatches or thermometers for a client to attend an approved education or training activity if these items are not available under Federal, State or other educational grants.

(4) *Fees.* A special allowance may be authorized for a fee for taking a test such as a high school equivalency test, a test that is a prerequisite for employment, or for registration or enrollment fees required for a client to enter an approved education or training course. Tuition is not construed to be a fee.

(5) *Union dues and professional fees.* If payment of union dues or professional fees is a condition of employment, a special allowance may be granted for the initial fee and for the period up to the date of the client's first pay.

Source

The provisions of this § 165.46 adopted October 2, 1992, effective retroactive to October 1, 1990, except subsection (a) effective October 3, 1992, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271. Immediately preceding text appears at serial pages (175239) to (175246).

Cross References

This section cited in 55 Pa. Code § 165.41 (relating to eligibility for special allowances for supportive services); and 55 Pa. Code § 165.42 (relating to advance payment of special allowances for supportive services).

COMPLIANCE REVIEW AND GOOD CAUSE

§ 165.51. Compliance review.

(a) *Need for compliance review.* A compliance review will be conducted when information indicates that a recipient may be out of compliance with RESET participation requirements, as specified in § 165.31 (relating to RESET participation requirements).

(b) *Scheduling the compliance review.* The caseworker will inform the recipient of the need for a compliance review and the consequences of failing, without good cause, to participate in the compliance review. In scheduling the compliance

review, the caseworker will reasonably take into account the individual's work schedule, family and school obligations. The compliance review may be conducted in person or by telephone, according to the individual's preference.

(c) *Purpose of compliance review.* With the understanding that the goal of RESET is to assist the individual in becoming employable and self-sufficient, the compliance review will seek to identify the reasons for the individual's apparent noncompliance with RESET participation requirements. The caseworker will review the facts including those presented by the individual and those facts already known by the Department. If the individual's failure to comply with RESET participation requirements is not willful or the individual has good cause under § 165.52 (relating to good cause), the individual is not subject to sanction. In that instance, the caseworker will explore ways to address the obstacles that prevented the individual from complying with RESET participation requirements.

(d) *Results of compliance review.* The caseworker will document the results of the compliance review. If the caseworker determines that a recipient has willfully failed, without good cause, to comply with RESET participation requirements, the recipient is subject to sanction under § 165.61 (relating to sanctions). For a noncompliant recipient not subject to sanction, the caseworker will review program requirements, help identify obstacles to compliance, and with the recipient's involvement, develop a new AMR to help achieve and maintain compliance. A recipient may appeal the Department's decision that the recipient is subject to sanction as specified under § 275.1 (relating to policy).

(e) *Special provision for individuals with disabilities.* If the caseworker knows that an individual has a disability, the caseworker considers this fact, and those presented by the individual. If the facts reveal that the individual did not comply with RESET participation requirements due to disability, no sanction is imposed. In that case, the caseworker and the individual will develop a new AMR to address the disability and, if applicable, other obstacles to self-sufficiency.

Authority

The provisions of this § 165.51 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.51 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252556) and (268317).

Cross References

This section cited in 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 141.56 (relating to deferred referrals); and 55 Pa. Code § 165.31 (relating to RESET requirements).

§ 165.52. Good cause.

(a) Good cause includes the following circumstances beyond the individual's control:

- (1) The job was beyond the capacity of the individual.
- (2) The individual reasonably attempted and is unable to secure or to maintain transportation.
- (3) The individual reasonably attempted and cannot secure or maintain appropriate child care, as defined in § 165.2 (relating to definitions), or appropriate adult care for an incapacitated adult living in the same home, within a reasonable distance from the individual's home, as defined in § 165.2.
- (4) The working conditions are substandard; that is, the place of employment is not free of recognized hazards that are causing or are likely to cause death or serious physical harm, or the wages paid are below the minimum wage if applicable for that type of employment or are below the prevailing wage normally paid in the community for that specific kind of employment.
- (5) The individual establishes a basis for a claim of discrimination by an employer or fellow employees based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs or other unlawful discrimination.
- (6) The individual leaves a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor, construction work or temporary work through an agency. Even though employment at the new site has not actually started, leaving the previous employment shall be considered good cause if it is part of the pattern of that type of employment.
- (7) Personal illness or illness of another household or family member.
- (8) A personal emergency.
- (9) The individual failed to receive notice at least 2 days prior to the date of a scheduled RESET activity.
- (10) The individual ends a sporadic work relationship that does not hold a reasonable possibility for permanent, full-time work to participate in an approved RESET activity or to accept full-time employment.
- (11) A job offer is rejected because it will result in a net loss of cash income to the budget group of the RESET participant. Net loss of cash income results if the budget group's gross income less actual work-related expenses plus a cash assistance payment for which the budget group remains eligible is less than the cash assistance previously received. The actual work-related expenses

include mandatory payroll deductions as well as the actual cost of the child care, cost of care of an incapacitated individual living in the same home and transportation.

(12) The individual was placed in an education or training activity that was beyond the capacity of the individual to complete, and the individual is willing to participate in another activity better suited to the individual's needs and aptitudes.

(13) A required employment and training activity conflicts with scheduled hours of employment or a job interview.

(14) The location of a RESET site or job is more than 2 hours round-trip by reasonably available public or private transportation from the individual's residence.

(15) The individual is claiming to be exempt from RESET participation requirements under § 165.21 (relating to exemptions from RESET participation requirements) and is cooperating in an attempt to provide verification of exemption.

(b) In determining good cause, the worker will give the individual the benefit of the doubt and consider all the facts and circumstances, especially if the transgression is relatively minor (such as reporting to a component a few minutes late) or isolated in nature (such as forgetting to keep an appointment, despite good overall attendance). Even after the CAO has made a preliminary determination of the lack of good cause, an individual may offer evidence of good cause to avoid sanction.

(c) The Department may grant good cause for up to 6 months to an individual, when strict application of any RESET participation requirement would not promote an individual's approved plan for self-sufficiency, as recorded on the AMR, and would make it more difficult for the individual to fulfill the plan. Examples of good cause for not strictly complying with a RESET participation requirement include:

(1) Hours that an individual is participating in an approved education or training activity which began during the first 24 months of receipt of cash assistance, if the total hours of instruction, lab time and work or work-related activity, whichever applies, equals at least 20 hours per week.

(2) Hours that an individual is participating in an internship, student teaching, or practicum assignment required as part of an approved education or training curriculum, if the individual is maintaining satisfactory progress as determined by the school or training agency, and the total hours of this activity and work or work-related activity, whichever applies, equals at least 20 hours per week.

(d) The Department may also grant good cause to a pregnant or parenting individual under 22 years of age who is enrolled in high school or attending a minimum 20-hour per week GED program, until the individual graduates from high school, receives a GED or reaches 22 years of age, whichever occurs first.

Authority

The provisions of this § 165.52 amended under sections 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.52 adopted October 2, 1992, subsection (a)(15)—(17) effective retroactively to October 1, 1990, subsections (a)(1)—(14) and (b) effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with the exception of subsections (a)(3), (c) and (d) are effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (268317) to (268318).

Cross References

This section cited in 55 Pa. Code § 140.513 (relating to eligibility end date); 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 141.56 (relating to deferred referral); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 165.21 (relating to exemptions from RESET participation requirements); 55 Pa. Code § 165.31 (relating to RESET participation requirements); and 55 Pa. Code § 165.51 (relating to compliance review).

SANCTIONS**§ 165.61. Sanctions.**

(a) A sanction will be imposed on an individual who is required to participate in RESET if the individual willfully, and without good cause, does one or more of the following:

- (1) Fails to accept a bona fide offer of employment in which the individual is able to engage.
- (2) Voluntarily terminates employment.
- (3) Fails or refuses to accept referral to, participate in, or continue to participate in an available work-related activity, including work-related activities specified on the AMR.
- (4) Fails to accept referral to, work in, or retain employment in which the individual is able to engage and participate in work activities specified on the AMR.
- (5) Fails to seek employment.
- (6) Fails to maintain employment.
- (7) Reduces earnings.
- (8) During the first 24 months of cash assistance, fails to participate in one of the following work-related activities, if not employed at least 20 hours per week:
 - (i) Subsidized employment.
 - (ii) Work experience.
 - (iii) On-the-job training.

- (iv) Community service.
 - (v) Workfare.
 - (vi) Job search, whether independent or assisted, and job readiness and job preparation activities.
 - (vii) Vocational education training or job skills training.
 - (viii) Any employment and training program funded or approved by the Department that provides one-stop access to intensive case management, training, education, job readiness training, job search and individual job development that leads to job placement.
 - (ix) Any employment and training program funded or approved by the Department that provides activities for a cash assistance applicant or recipient to achieve rapid attachment to the workforce.
 - (x) In the case of a recipient 18 years of age or older and less than 22 years of age, general education that is necessary for the recipient to obtain employment, a high school diploma or a certificate of high school equivalency, subject to the recipient maintaining satisfactory progress as defined by the school or educational program.
- (9) After receiving 24 months of cash assistance, fails to participate for an average of at least 20 hours per week in one of the following work activities:
- (i) Unsubsidized employment.
 - (ii) Subsidized employment.
 - (iii) Work experience.
 - (iv) Community service.
 - (v) On-the-job training.
 - (vi) Workfare.
- (10) Fails to agree to fulfill RESET participation requirements.
- (11) Fails to apply for work at the time and in the manner the Department may prescribe.
- (b) The sanction period shall be:
- (1) For the first occurrence, ineligibility for cash assistance for 30 days, or until the recipient is willing to comply, whichever is longer.
 - (2) For the second occurrence, ineligibility for cash assistance for 60 days, or until the recipient is willing to comply, whichever is longer.
 - (3) For the third occurrence, permanent ineligibility for cash assistance.
- (c) Applicability of the sanction is as follows:
- (1) During the first 24 months, the sanction is imposed only on the individual who failed to comply.
 - (2) After 24 months, the sanction is imposed on the entire budget group.
- (d) In lieu of the sanctions in subsections (b)(1)—(3) and (c)(1), if an employed individual voluntarily, without good cause, reduces his earnings during the first 24 months that assistance is received by not working an average of at least 20 hours per week, the grant will be reduced by the dollar value of the income that would have been earned if the recipient had not voluntarily reduced

the hours of employment to less than an average of 20 hours per week. Unless the individual verifies an exemption from RESET participation requirements or establishes good cause for noncompliance, the reduction will continue until the minimum 20-hour weekly work requirement is met.

(e) If the individual under sanction in the first 24 months is the only dependent child in the TANF budget group, the caretaker will continue to receive TANF during the sanction period, if otherwise eligible.

(f) If the individual under sanction in the first 24 months is a parent or other caretaker, protective payments for the remaining members of the budget group will be made to the caretaker under sanction.

Authority

The provisions of this § 165.61 amended under sections 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 402, 403(b), 405, 405.1, 405.3, 408, 432 and 432.3); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.61 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, except subsection (a) regarding imposing a sanction for terminating employment or reducing earnings without good cause, applies retroactively to October 1, 1990, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial page (252559).

Cross References

This section cited in 55 Pa. Code § 125.1 (relating to policy); 55 Pa. Code § 141.55 (relating to mandatory RESET participants); 55 Pa. Code § 165.31 (relating to RESET participation requirements); 55 Pa. Code § 165.51 (relating to compliance review); and 55 Pa. Code § 165.71 (relating to notification).

NOTIFICATION

§ 165.71. Notification.

(a) If the compliance review results in a finding that the recipient was willfully, and without good cause, failed to comply with RESET participation requirements, the CAO will notify the recipient in accordance with Chapter 133 (relating to redetermining eligibility). This notice will indicate the sanction to be imposed and the reason for the sanction.

(b) An individual whose failure to comply results in a sanction, as specified in § 165.61 (relating to sanctions), will be reminded in writing before the end of the minimum durational sanction period of the individual's option to end the sanction by correcting the failure to comply. The CAO will send the reminder to the individual 10 days prior to the end of the sanction period.

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(c) The CAO shall inform applicants and recipients of the availability of transitional child care and extended medical care at application and reapplication.

Authority

The provisions of this § 165.71 amended under sections 201(2), 403(b), 405 and 432.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405 and 432.3); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; and the Federal TANF regulations in 45 CFR 260.10—265.10.

Source

The provisions of this § 165.71 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875; amended September 13, 2002, effective retroactively to March 3, 1997, with exception of subsection (b) which is effective September 14, 2002, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (252559) to (252560).

FAIR HEARING

§ 165.81. Fair hearing.

Every person has a right to appeal a Departmental action or failure to act regarding these employment requirements and to have a hearing in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings), if the individual is dissatisfied with a decision refusing or discontinuing assistance in whole or in part with the following exceptions:

- (1) The requirement for notice does not apply to a change in the method of payment of a special allowance for supportive services unless the change results in a discontinuance, suspension, reduction or termination of the allowance or would force a change in child care or adult care arrangements.
- (2) Section 275.4(a)(3)(v)(C)(I) (relating to procedures) regarding continued benefits pending a hearing decision does apply to a reduction or discontinuance of a special allowance for supportive services.

Source

The provisions of this § 165.81 adopted October 2, 1992, effective retroactively to October 1, 1990, 22 Pa.B. 4875; amended January 8, 1999, effective February 1, 1999, 29 Pa.B. 271. Immediately preceding text appears at serial pages (194845) to (194846).

RESTITUTION

§ 165.91. Restitution.

The Cash Assistance provisions of Chapter 255 (relating to restitution) apply except that the provision for recoupment of an overpayment does not apply to special allowances for supportive services.

Source

The provisions of this § 165.91 adopted October 2, 1992, effective upon publication and apply retroactively to October 1, 1989, 22 Pa.B. 4875.

**APPENDIX A
EMPLOYMENT AND TRAINING
SPECIAL ALLOWANCES**

<i>Allowance</i>	<i>Frequency</i>	<i>Maximum Allowance</i>
Child Care	—as required for education, training, job application or job interview	—actual cost subject to the maximum established by the Department, for allowances granted after implementation of the maximum allowances —actual reasonable cost for recipients receiving child care allowances before implementation of the maximum allowances
Care of Incapacitated Adults	—as required for education, training, job application or job interview	—actual cost of nonmedical care up to the maximum rates established for infant care
Transportation		—up to \$250 total per month as determined below:
<u>Public</u>	—no limit on the number of trips for job interviews, education or training activities	—actual cost except for air and long distance rail travel, which is provided at actual cost at the lowest available rate
—bus		
—subway		
—commuter rail		
—taxi	—for employment, may be authorized for the period up to the date of the first pay	
—paratransit		
—air		
—long distance rail		
<u>Private</u>	—no limit on the number of trips for job interviews, education or training activities	—\$.12 per mile plus the actual cost of parking and highway and bridge tolls
—privately owned vehicle		
—volunteer car and driver	—for employment, may be authorized for the period up to the date of the first pay	

<i>Allowance</i>	<i>Frequency</i>	<i>Maximum Allowance</i>
—car or van pool	—same as above	—proportionate share of cost as determined above or flat fee
Motor Vehicle Purchase and Repair	—once per job —as required for education or training activities	—actual cost up to \$200 for purchase and repair
Motor Vehicle Related Expenses —driver's license —state inspection fee —emission control inspection fee —license plates —vehicle registration fee	—once per job —as required for education or training activities	—actual cost up to \$200.
Moving/Relocation Costs to Accept Employment	—no more than once in a 12-month period	—actual cost up to \$200.
Lodging	—once for each application or interview for a job —as required for education or training	—actual cost subject to the maximum rate established for Commonwealth employees by the Office of Administration
Food	—once for each application or interview for a job —as required for education or training	—actual cost subject to the maximum rate established for Commonwealth employees by the Office of Administration and the Office of the Budget.
Clothing	—once per job —as required for education or training activities	—actual cost up to \$75.
Tools and Equipment	—once per job —as required for education or training activities	—actual cost up to \$2,000.

<i>Allowance</i>	<i>Frequency</i>	<i>Maximum Allowance</i>
Books and Supplies	—as required for education or training activities	—actual cost up to \$500.
Fees	—once per job —as required for education or training activities	—actual cost up to \$250.
Union Dues/Professional Fees	—once per job —may be authorized for the period up to date of the first pay	—actual cost up to \$250.

Source

The provisions of this Appendix A adopted October 2, 1992, effective retroactively to October 1, 1990, 22 Pa.B. 4875.

Cross References

This appendix cited in 55 Pa. Code § 165.46 (relating to types of special allowances for supportive services).

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(252564) No. 292 Mar. 99

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