

## CHAPTER 256K

## WORK FIRST PROGRAM PILOT PROJECTS

256K.01	Work first program.	256K.05	Temporary jobs program.
256K.015	Eligibility for work first.	256K.06	Transitional benefits to support work; rent and utilities vendor payment.
256K.02	Program participants; program expectations.	256K.07	Eligibility for food stamps, medical assistance, and child care.
256K.03	Program requirements.	256K.08	Sanctions and appeal process.
256K.04	Job development and subsidy.		

**256K.01 WORK FIRST PROGRAM.**

*[For text of subd 1, see M.S.1998]*

Subd. 2. **Definitions.** As used in sections 256K.01 to 256K.09, the following words have the meanings given them.

(a) "Applicant" means an individual who has submitted a request for assistance and has never received an AFDC grant as formerly codified in sections 256.72 to 256.87, an MFIP grant or a family general assistance grant as formerly codified in sections 256D.01 to 256D.23 through the MAXIS computer system as a caregiver, or an applicant whose application under the former AFDC program codified in sections 256.72 to 256.87, MFIP, or the former family general assistance program codified in sections 256D.01 to 256D.23 was denied or benefits were terminated due to noncompliance with work first program requirements.

(b) "Application date" means the date any Minnesota county agency receives a signed and dated combined application form Part I.

(c) "CAF" means a combined application form on which people apply for multiple assistance programs, including: cash assistance, refugee cash assistance, Minnesota supplemental aid, food stamps, medical assistance, general assistance medical care, emergency assistance, emergency medical assistance, and emergency general assistance medical care.

(d) "Caregiver" means a parent or eligible adult, including a pregnant woman, who is part of the assistance unit that has applied for or is receiving an MFIP grant. In a two-parent family, both parents are caregivers.

(e) "Child support" means a voluntary or court-ordered payment by absent parents in an assistance unit.

(f) "Commissioner" means the commissioner of human services.

(g) "Department" means the department of human services.

(h) "Employability development plan" or "EDP" means a plan developed by the applicant, with advice from the employment advisor, for the purposes of identifying an employment goal, improving work skills through certification or education, training or skills recertification, and which addresses barriers to employment.

(i) "EDP status report form" means a program form on which deferred participants indicate what has been achieved in the participant's employability development plan and the types of problems encountered.

(j) "Employment advisor" means a program staff member who is qualified to assist the participant to develop a job search or employability development plan, match the participant with existing job openings, refer the participant to employers, and has an extensive knowledge of employers in the area.

(k) "Financial specialist" means a program staff member who is trained to explain the benefits offered under the program, determine eligibility for different assistance programs, and broker other resources from employers and the community.

(l) "Job network" means individuals that a person may contact to learn more about particular companies, inquire about job leads, or discuss occupational interests and expertise.

(m) "Job search allowance" means the amount of financial assistance needed to support job search.

(n) "Job search plan" or "JSP" means the specific plan developed by the applicant, with advice from the employment advisor, to secure a job as soon as possible, and focus the scope of the job search process and other activities.

(o) "JSP status report form" means a program form on which participants indicate the number of submitted job applications, job interviews held, jobs offered, other outcomes achieved, problems encountered, and the total number of hours spent on job search per week.

(p) "Participant" means a recipient who is required to participate in the work first program.

(q) "Program" means the work first program.

(r) "Provider" means an employment and training agency certified by the commissioner of economic security under section 268.871, subdivision 1.

(s) "Self-employment" means employment where people work for themselves rather than an employer, are responsible for their own work schedule, and do not have taxes or FICA withheld by an employer.

(t) "Self-sufficiency agreement" means the agreement between the county or its representative and the applicant that describes the activities that the applicant must conduct and the necessary services and aid to be furnished by the county to enable the individual to meet the purpose of either the job search plan or employability development plan.

(u) "Subsidized job" means a job that is partly reimbursed by the provider for cost of wages for participants in the program.

Subd. 3. **Establishing work first program.** The commissioners of human services and economic security may develop and establish pilot projects which require applicants for aid under MFIP to meet the requirements of the work first program. The purpose of the program is to:

- (1) ensure that the participant is working as early as possible;
- (2) promote greater opportunity for economic self-support, participation, and mobility in the work force; and
- (3) minimize the risk for long-term welfare dependency.

*[For text of subs 4 to 7, see M.S.1998]*

Subd. 8. **Duties of participant.** To be eligible for an MFIP benefit, a participant shall cooperate with the county agency, the provider, and the participant's employer in all aspects of the program.

**History:** 1999 c 159 s 94-96

## **256K.015 ELIGIBILITY FOR WORK FIRST.**

To be eligible for work first, an applicant must meet the eligibility requirements of MFIP, to the extent that those requirements are not inconsistent with this chapter.

**History:** 1999 c 159 s 97

## **256K.02 PROGRAM PARTICIPANTS; PROGRAM EXPECTATIONS.**

All applicants selected for participation are expected to meet the requirements under the work first program. Payments for rent and utilities up to the MFIP benefits to which the assistance unit is entitled will be vendor paid for as many months as the applicant is eligible or six months, whichever comes first. The residual amount after vendor payment, if any, will be paid to the recipient, unless it is used as a wage subsidy under section 256K.04, subdivision 2.

**History:** 1999 c 159 s 98

## **256K.03 PROGRAM REQUIREMENTS.**

Subdivision 1. **Notification of program.** Except for the provisions in this section, the provisions for the MFIP application process shall be followed. Within two days after receipt of a completed combined application form, the county agency must refer to the provider the applicant who meets the conditions under section 256K.02, and notify the applicant in writing of the program including the following provisions:

- (1) notification that, as part of the application process, applicants are required to attend orientation, to be followed immediately by a job search;
- (2) the program provider, the date, time, and location of the scheduled program orientation;
- (3) the procedures for qualifying for and receiving benefits under the program;
- (4) the immediate availability of supportive services, including, but not limited to, child care, transportation, medical assistance, and other work-related aid; and
- (5) the rights, responsibilities, and obligations of participants in the program, including, but not limited to, the grounds for exemptions and deferrals, the consequences for refusing or failing to participate fully, and the appeal process.

*[For text of subsds 2 to 11, see M.S.1998]*

**Subd. 12. Requirement to work in a temporary public service job.** (a) If after the completion of the maximum eight weeks of job search the participant has failed to secure a nonsubsidized or a subsidized job for at least 32 hours per week, or does not earn a net income from self-employment that is equal to at least the MFIP monthly grant for the household size, the participant is required to work in a temporary public service job for up to 67 working days for (1) at least 32 hours per week, or (2) a period equivalent to the result of dividing the monthly grant amount which the participant would otherwise receive, by the federal hourly minimum wage, or applicable hourly state minimum wage, or the hourly rate of pay for individuals employed in the same occupation at the site, whichever is highest. If the result is more than 128 hours per month, the participant's requirement to work in a temporary public service job shall not be more than 32 hours per week.

(b) Within seven days from the date of application, the participant who is deferred under subdivision 8, clause (1) or (2), and is participating in an educational program on a part-time basis must work in a temporary public service job as required under subdivision 8, clause (2).

(c) The provider shall strive to match the profile of the participant with the needs of the employers that are participating in a temporary jobs program under section 256K.05.

**History:** 1999 c 159 s 99,100

#### **256K.04 JOB DEVELOPMENT AND SUBSIDY.**

*[For text of subd 1, see M.S.1998]*

**Subd. 2. Job subsidy.** The county may use all or part of the MFIP benefit as a subsidy to employers for the purpose of providing work experience or training to the participant who has completed the job search plan, provided that:

- (1) the job to be subsidized is permanent and full time, and pays an hourly rate of at least \$6 per hour;
- (2) the employer agrees to retain the participant after satisfactory completion of the work experience or training period; and
- (3) the participant has first tried to secure a nonsubsidized job by following the job search plan.

The subsidy may be available for up to six months.

**History:** 1999 c 159 s 101

#### **256K.05 TEMPORARY JOBS PROGRAM.**

*[For text of subd 1, see M.S.1998]*

**Subd. 2. Assignment to temporary public service jobs.** The provider must assign the participant who (1) is within completion of the required eight weeks of job search and has failed to secure a nonsubsidized or a subsidized job for at least 32 hours per week, or (2) does not earn a net income from self-employment that is equal to at least the MFIP monthly grant for the household size to a temporary public service job. The assignment must be made seven days before the end of the job search and be based on section 256K.03, subdivision 12. The

participant that is deferred under section 256K.03, subdivision 8, will be assigned by the provider to a temporary public service job within seven days after the application.

Subd. 3. **Participant's status.** The participant who is working in a temporary public service job under this section is not considered an employee for the purposes of reemployment compensation benefits, retirement, or civil service laws, and shall not perform work ordinarily performed by a public employee.

*[For text of subs 4 to 6, see M.S.1998]*

**History:** 1999 c 107 s 66; 1999 c 159 s 102

#### **256K.06 TRANSITIONAL BENEFITS TO SUPPORT WORK; RENT AND UTILITIES VENDOR PAYMENT.**

Payments for rent and utilities up to the amount of MFIP-S benefits to which the assistance unit is entitled shall be provided in the form of vendor payments for as many months as the applicant is eligible or six months, whichever comes first. The residual amount after vendor payment, if any, will be paid to the MFIP recipient, unless it is used as a wage subsidy under section 256K.04, subdivision 2. This provision shall apply to all applicants including those meeting the exemption categories under section 256K.03, subdivision 5, or deferral categories under section 256K.03, subdivision 8. To the extent needed, a job search allowance shall be provided for up to eight weeks to cover expenses related to the job search. Before the job search allowance is issued, it must be approved by the employment advisor and financial specialist, and clearly described in the job search plan.

**History:** 1999 c 159 s 103

#### **256K.07 ELIGIBILITY FOR FOOD STAMPS, MEDICAL ASSISTANCE, AND CHILD CARE.**

The participant shall be treated as an MFIP recipient for food stamps, medical assistance, and child care eligibility purposes. The participant who leaves the program as a result of increased earnings from employment shall be eligible for transitional medical assistance and child care without regard to MFIP receipt in three of the six months preceding ineligibility.

**History:** 1999 c 159 s 104

#### **256K.08 SANCTIONS AND APPEAL PROCESS.**

Subdivision 1. **Good cause.** (a) For purposes of this subdivision, "good cause" means absence due to temporary illness or injury of the participant or a member of the participant's family, the unavailability of appropriate child care or unavailability of transportation needed to attend orientation or conduct job search, or a nonmedical emergency as defined under section 256K.05, subdivision 5.

(b) The applicant who is required, but fails, without good cause, to participate in orientation, complete the job search plan or employability development plan, and comply with the job search requirements under section 256K.03, prior to being eligible for MFIP shall be denied benefits. The applicant will not be eligible for benefits in this state for at least six months.

(c) If, after receiving a written warning from the county, the participant fails, without good cause, to conduct at least 32 hours of job search per week in any given two-week period, the participant will be immediately required to work for at least 16 hours per week in a temporary public service job. The required 32 hours per week of job search will be reduced to 16 hours.

(d) If the participant who is deferred under section 256K.03, subdivision 8, fails to comply with the activities described in the employability development plan, the participant will lose the deferment status, provided that the participant has received at least two written warnings from the provider.

(e) If the participant refuses to work in a temporary public service job, or is terminated from a temporary public service job for failure to work, benefits to the assistance unit shall be

terminated and the participant shall not be eligible for aid under the MFIP program for at least six months from the date of refusal or termination. If the participant, before completing at least four consecutive months of employment, voluntarily quits or is terminated from a non-subsidized or a subsidized job, the participant shall immediately be assigned to work in a temporary public service job for at least 32 hours per week for up to 67 working days unless the participant is hired or rehired into a non-subsidized or subsidized job.

*[For text of subd 2, see M.S.1998]*

**History:** 1999 c 159 s 105