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2208 Application

Application is the specific action of completing, signing and submitting an application form furnished by the department which conveys a desire to receive aid or benefits from the department or to have eligibility for such aid or benefits considered. Application forms shall be signed by:

1. the individual applying for such aid or benefits; or
2. an authorized representative of an individual applying for such aid or benefits; or
3. where the applicant is incompetent or incapacitated, someone acting responsibly for him.

The date of application, which governs the time limit for rendering and implementing a decision on the application, is the first date on which a signed application form is received in any department office, regardless of whether such application is sufficiently complete for an immediate decision on eligibility.

Since an individual's initial contract(s) with the department may not always result in immediate submittal of a signed application form, all contacts (e.g., in person, by telephone, by mail, by referral from another agency) shall be considered inquiries up to the point of department receipt of a signed application form. Department response to inquiries shall include:

1. Furnishing application form(s);
2. Appropriate explanation of program(s) inquired about, including eligibility standards and criteria;
3. Explanation of applicant rights and responsibilities, including penalties for fraudulent acquisition and use of aid and/or benefits.

A signed formal application furnished by the DSW is required to begin action on a request for assistance or benefits. Such application may be obtained by calling, writing, or visiting any of the Department's offices.

Any individual, previously found ineligible for aid and/or benefits, who believes his/her circumstances to have changed or who desires to have eligibility reconsidered, may reapply by submitting an up-to-date signed application form to the district office serving

the areas in which he/she currently resides.

The formal application gives the individual the means to furnish information necessary for a decision, protects him from being ruled ineligible without formal application, informs him of his rights and responsibilities, and provides a basis for appeal if he is dissatisfied with any action of or lack of action by the department.

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2208 Application (Continued)

A relative, friend, or other interested party may assist an applicant in completion of necessary forms. The applicant or spouse, authorized representative, or legal guardian must sign the form and thereby assume responsibility for all information entered.

If an applicant has difficulty in completing an application or statement of need and no other person is available to assist, a Department employee may record on a Department form information furnished by the applicant. In such cases special care must be exercised to review the information entered before the applicant signs and assumes responsibility for the information.

The individual in whose name an application is filed is designated the applicant, or the head of the applicant group. When a group of individuals apply together for aid or benefits from more than one Department program, it is preferable, although not mandatory, that the same member be designated head of the group for all programs.

For an application to be considered complete, the applicant must provide information about whether any members of the family have been convicted of a felony involving possession, use, or distribution of a controlled substance for an act committed after August 22, 1996.

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### **2208.1 Welfare Restructuring Project**

The Welfare Restructuring Project (WRP) is a demonstration project under section 1115 of the Social Security Act expected to continue for a seven-year period. WRP allows the Department to establish different policies and apply them to assistance groups based on their random assignment to one of the three WRP groups. Random assignment of assistance groups to the three WRP groups supports an evaluation that compares the outcomes resulting from the policies that can be implemented only under the authority of federal waivers with the outcomes resulting from policies that are required or permitted under applicable federal law and regulations. As provided for in the waiver terms and conditions for WRP, random assignment began on July 1, 1994, and ended on June 30, 1997.

Through WRP, the Department seeks to enable more ANFC families to achieve self-sufficiency by strengthening families and increasing parental responsibility, by rewarding work and promoting self-support, and by putting a limit on how long families can receive welfare before a parental work obligation begins.

Beginning on July 1, 1997, each assistance group applying for ANFC and not having previously been assigned to a WRP group shall be immediately assigned to WRP Group 3. (During the period July 1, 1994, through June 30, 1997, each ANFC assistance group was randomly assigned to one of the three WRP groups described below according to the rules that follow.)

1. A control group, known as Group 1, which will have its eligibility for and amount, if any, of ANFC benefits and Reach Up requirements determined according to policies contained within these regulations which have been implemented under applicable federal law and regulations (i.e. not needing federal waivers) with the following exceptions:

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2208.1 Welfare Restructuring Project (continued)

- A. The following policies relating to pregnant or parenting minors that require federal waivers for implementation:
- the requirement that pregnant or parenting minors live in a supervised living arrangement (certain provisions of this policy require waivers).
  - the requirement that pregnant or parenting minors participate in Reach Up (certain provisions of this policy require waivers).
  - the determination of eligibility for and the amount of benefits for pregnant or parent minors who live with their parents without consideration of their parents' income (entire policy requires waiver).
  - the authorization of payments to pregnant minors for the full, three-month period allowed under state option (this policy requires waiver).
- B. The policy that allows payment of benefits to pregnant women when the expected delivery date falls within the three-month period following the month of application on the basis of a determination that the pregnant woman is unable to work due to a high-risk pregnancy as provided in 2242 (this policy requires a waiver).
- C. The policy that allows benefits to continue for pregnant women who are receiving ANFC as of June 30, 1996 (requires waiver).
- D. The policy that allows children living with qualified caretakers who are not relatives and the qualified caretaker, if needy, to be found eligible for and receive ANFC benefits.

At least 20 percent of ANFC applicant or recipient assistance groups, assigned before July 1, 1997, will be randomly assigned to Group 1.

2. A demonstration group, known as Group 2, which will have its eligibility for and amount, if any, of ANFC benefits and Reach Up requirements determined according to policies designated herein as applying to Group 2 and to all other policies contained herein that are not superseded by the policies that apply to Group 2. Requirements relating to the Reach Up program that were in effect on June 30, 1994, and have not been changed or eliminated by rule subsequent to that date remain in effect for assistance groups assigned to Group 2.

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**2208.1 Welfare Restructuring Project (Continued)**

At least 25 percent of ANFC applicant or recipient assistance groups assigned before July 1, 1997, who are not assigned to Group 1 will be randomly assigned to Group 2.

3. A second demonstration group, known as Group 3, which will have its eligibility for and amount, if any, of ANFC benefits and Reach Up requirements (including the requirement to accept unsubsidized or subsidized employment) determined according to policies designated herein as applying to Group 3 and to all other policies contained herein that are not superseded by the policies that apply to Group 3. Requirements relating to the Reach Up program that were in effect on June 30, 1994, and have not been changed or eliminated by rule subsequent to that date remain in effect for assistance groups assigned to Group 3.

Group 3 will consist of all ANFC applicant or recipient assistance groups not assigned to Groups 1 or 2.

Assistance groups applying for ANFC after June 30, 1994, and before July 1, 1997, were randomly assigned upon application, as long as they had not been previously assigned to one of the three WRP groups. Recipient assistance groups which were eligible on June 30, 1994, and continued to be eligible after that date were randomly assigned to one of the three groups as part of an eligibility review that took place during the period July 1, 1994, through June 30, 1995. If a recipient assistance group had more than one periodic review occurring within the period beginning July 1, 1994, and ending June 30, 1995, the periodic review at which the assignment was made was randomly determined.

Assignment to a WRP group includes both person assignments (PA) and family assignments (FA). These assignments are made as follows:

**A. Person Assignments**

Every parent and other caretaker in an ANFC family applying for or receiving ANFC receives a permanent, unchanging individual person assignment to

one of the three WRP groups. Any parent not receiving ANFC due to the receipt of SSI or for any other reason as well as other caretakers not requesting ANFC for themselves receive person assignments even though they do not receive ANFC for themselves. Parents and other caretakers in families who never receive ANFC because their applications are denied, as well as those in families who are granted ANFC, receive person assignments.

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### **2208.1 Welfare Restructuring Project (Continued)**

Person assignments are made for parents and other caretakers who have not been previously assigned under the following circumstances:

- 1) when a family, including one headed by a caretaker other than a parent, applies for ANFC; or
- 2) when a family applies for reinstatement, and processing of their application includes a full redetermination of ANFC eligibility and an office interview; or
- 3) when a second parent is added to or removed from an ANFC assistance group, and processing of the family's continuing eligibility for ANFC includes a full redetermination based on the changed deprivation factor and an office interview; or
- 4) when a second parent not previously assigned to a WRP group is added to the ANFC assistance group headed by a parent who has already been assigned; or
- 5) when an ANFC recipient family undergoes a periodic redetermination of eligibility.

An office interview is required at the time of the assignment.

Following are the rules for assignment to individuals:

- 1) For a single parent or caretaker who has not been assigned previously, the assignment is made on a random basis before July 1, 1997. On or after that date, assignment is made to Group 3.
- 2) For a family with two parents, neither of whom has been assigned previously, the assignment of both is made to the same WRP group on a random basis before July 1, 1997. On or after that date, both are

**assigned to Group 3.**

- 3) For a family with two parents, only one of whom has been assigned previously, the unassigned parent is given the same person assignment as the previously assigned parent.**

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## **2208.1      Welfare Restructuring Project (Continued)**

### **B.      Family Assignment**

**The rules used to determine a family's ANFC eligibility and benefits are based on the family's WRP group assignment. Most of the time, this assignment will be the same as the person assignments of the parents in the family. However, because the parents in an ANFC family may change over time, the following rules apply to the determination of the family assignment:**

- 1) For families headed by a single parent or other caretaker, the family assignment is the same as the person assignment of the parent or other caretaker.**
- 2) For two-parent families, the family assignment is the same as the earlier person assignment of the two parents.**

**Information about WRP and the significance of the family's assignment to a particular group will be communicated both orally and in writing to the applicant/recipient during the application or review interview at which assignment takes place.**

**Policy changes that apply to assistance groups in Group 2 or Group 3 are printed in bold and in a distinct font throughout the Welfare Assistance Manual to distinguish them from other policies.**

## **2208.2      Civil Unions Act (Act 91)**

The purpose and focus of the Aid to Needy Families with Children (ANFC) policy and the law from which it derives is to assist children and their families during times of financial need. The availability of benefits and imposition of obligations for an adult in the ANFC program are dependent upon that individual's relationship to the eligible child. By far the most common of the adult-child relationships recognized by ANFC law and policy is the parent-child relationship.

Changes in Vermont law brought about by the Civil Unions Act have expanded the 2208.2 meaning of the term "parent" and extended the rights and responsibilities associated with that status to citizens not previously included within the definition. Interpretation and application of the term "parent" or "stepparent" in ANFC policy shall be expanded as well to include all individuals recognized as parents or stepparents under state law. Examples of individuals who are now parents under Vermont law include the following:

1. When a child is born to a person who is a partner to a civil union, both partners are presumed to be the parents of that child; and
2. When a child's parent enters into a civil union, that parent's civil union partner becomes the child's stepparent.

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2208.2      Civil Unions Act (Act 91) (Continued)

This policy defines "parent" to include biological, adoptive, and stepparents. The use of the term "parent" in this policy, including Medicaid policy to the extent it relies on these rules, shall be interpreted and applied to include all individuals who have that status by law.

"Civil union partner" means one member of a couple who has entered into a civil union in accordance with 15 V.S.A. chapter 23 and whose civil union has not been legally dissolved.

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2340 - 2359 Reach Up Program

2343.1 General Program Participation Requirements (Continued)

criteria described in 2344.1 as long as the overall participation rate of eligible family members is sufficient to enable the Department to meet federal requirements (described in 45 CFR 250.74) to receive the higher federal match rate [described in 45 CFR 250.73 (b)(1)(i)]. Deferral of participation by nonexempt eligible family members may occur for one of the reasons described under 2341.

If total participation under the conditions described above results in the Department's inability to receive the higher federal match rate, any eligible family member who does not meet one (or more) of the exemption criteria described in 2344.1 may be required to participate in Reach Up as a condition of eligibility for ANFC benefits.

All applicants and recipients shall be notified in writing of their participation status or change in status, the exemption criteria, the rights and responsibilities associated with this status, right to request conciliation, the potential sanction for noncooperation and the right to a fair hearing if they do not agree with the status determination.

2343.2 Participation Requirements for Principal Earners

2343.21 All Principal Earners

All nonexempt principal earners are required to:

- cooperate with their case managers in completing their initial assessments and Family Development Plans (FDPs);
- accept any suitable unsubsidized employment offered to them; and
- comply with the requirements defined below for subgroups of principal earners, as applicable.

Any nonexempt principal earner who fails to comply with the requirements in this section without good cause is subject to sanction, as described in 2351.

The second parent in an ANFC assistance group, whether exempt or nonexempt, is also required to comply with all participation requirements applicable to the principal earner, or be subject to the sanction described in 2351, if the principal earner is not participating for either of

the following two reasons:

- The nonexempt principal earner has failed to comply with the participation requirements without good cause and has been sanctioned.

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2340 - 2359 Reach Up Program

2343.21 All Principal Earners (Continued)

- The principal earner is exempt from participation for at least 30 days according to the criteria in 2344.1, but not because he or she is:
  - a child 16 or 17 attending school (criterion 2)
  - a person working 30 or more hours per week (criterion 4)
  - a person unable to work temporarily because of an illness or injury (criterion 5), or
  - a person living so far away from a Reach Up office that effective participation is precluded (criterion 6).

2343.22 Principal Earners Assigned to Group 1 or Group 2

A. Initial Job Search for Job-Ready Principal Earners

Nonexempt, job-ready principal earners applying for ANFC are required to participate in job search for eight weeks. To meet this requirement, they must report to the local office of the Department of Employment and Training (DET) within two working days of being informed of the requirement by DSW. DET shall schedule initial job search activities, as defined in 2346.8, for a minimum of 20 hours per week for each principal earner, and each principal earner shall participate in at least three-fourths of the scheduled job search hours per week.

The requirement to report to DET within two working days may be waived by the department if the principal

earner demonstrates good cause for not complying with it. It may also be waived if either the department or DET is unable to comply with the requirement.

B.

#### Alternatives to Initial Job Search

Instead of participating in initial job search, nonexempt principal earners may participate in the following alternative activities, provided they meet the activity's participation criteria.

1. *Community Work Experience.* Principal earners who are not job-ready may participate in community work experience (CWE), as defined in 2346.6, a minimum of 16 hours per week.
2. *Educational or Occupational Skills program.* Principal earners may participate in an educational or occupational skills program, if they meet all of these criteria:
  - They have not received a high school diploma or its equivalent.

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#### 2343.22 Principal Earners Assigned to Group 1 or Group 2 (Continued)

- They are enrolled in an educational program leading to a high school diploma or its equivalent or in an occupational skills program at a vocational center.
  - The program in which they are enrolled involves classroom training scheduled for at least 20 hours per week.
  - They attend the program at least 16 hours per week and are making satisfactory progress in it.
3. *On-the-Job Training (OJT).* Principal earners may participate in OJT, as described in 2346.7, at least 16 hours per week.
  4. *Other Reach Up Activities (Minor Parents Only).* Instead of reporting to DET for initial job search, nonexempt principal earners who are minor parents may be required to report to a local community-based organization (CBO) within two working days for intensive case management services and participation in other Reach Up activities, such as

job readiness, education, or training (see 2343.4).

The requirement to report to a local CBO within two working days may be waived by the department if the principal earner has good cause for not complying with it. It may also be waived if either the department or the CBO is unable to comply with the requirement.

C. Ongoing Job Search

In addition to initial job search, nonexempt principal earners shall be required to participate in job search for up to 40 days in each period of 12 consecutive months during which the family receives ANFC continuously, unless the case manager waives this requirement in the FDP.

D. Community Work Experience (CWE) and Work Supplementation, On-the-Job Training (WS-OJT)

Once initial job search or an alternative to it has been completed, principal earners may be required to participate in CWE or WS-OJT, as described in 2346.7, for a minimum of 16 hours per week. He or she shall not be required to participate in both CWE and WS-OJT at the same time, however.

The principal earner shall not be required to participate in these activities when the second parent volunteers to participate in CWE or WS-OJT and participates in them satisfactorily for a minimum of 16 hours per week. The principal earner may participate in CWE or WS-OJT at the same time voluntarily.

The department, or its designee, is responsible for the development of appropriate CWE and WS-OJT slots.

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2343.22 Principal Earners Assigned to Group 1 or Group 2  
(Continued)

Principal earners who volunteer to participate in OJT, as described in 2346.7, for at least 16 hours per week may substitute that participation for participation in ongoing job search, CWE, or WS-OJT.

2343.23 Principal Earners in Families Assigned to Group 3

**A. Job Search Prior to the 14<sup>th</sup> Month of Cumulative ANFC Receipt**

**Nonexempt principal earners are required to participate in job search 40 hours per week during these periods:**

- the period of two weeks immediately following the family's application for ANFC, or reapplication for ANFC following a period of nonreceipt lasting at least 30 days, or during the period a decision on the application or reapplication is pending, whichever period ends later;
- the first two weeks of the fifth calendar month of ANFC receipt;
- the first two weeks of the 10th calendar month of ANFC receipt; and
- the period of two weeks following the principal earner's loss of unsubsidized paid employment with good cause.

**Hours of unsubsidized employment shall be substituted for hours of job search on an hour-for-hour basis.**

**B. Community Work Experience (CWE) Prior to the 14<sup>th</sup> Month of Cumulative ANFC Receipt**

**Except during the periods they are required to participate in job search (see above), nonexempt principal earners shall be required to participate in community work experience (CWE) 40 hours per week or the number of hours equivalent to the family's ANFC and food stamp benefits, whichever is less. (See 2343.63 A2c for the calculation of hours equivalent to the family's benefits.)**

**Hours of unsubsidized employment shall be substituted for hours of CWE on an hour-for-hour basis.**

**C. Participation Requirements after 13 Months of Cumulative ANFC Receipt**

**Additional requirements for principal earners in families assigned to Group 3 are detailed in 2343.6 and its subsections.**

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2343.3 Participation Requirements for 16- and 17-Year-Old Youth

A nonexempt 16- or 17-year-old dependent in an ANFC assistance group

who is not a full-time student must attend a Reach Up assessment within 10 calendar days of the nonexempt determination by the eligibility worker. The 10-day time frame may be exceeded only if the Department of Social Welfare or Department of Employment and Training cannot meet this time requirement or the individual can demonstrate good cause (see 2349) for failing to meet it.

After the initial assessment, the youth will be required to participate in job search or an alternative activity included in his or her FDP, such as education, training, or work experience. Participation in the job search component may not exceed 40 days in any 12-consecutive-month period. If the youth fails to comply without good cause, he or she is subject to sanctions described in 2351.1.

#### **2343.4     Participation Requirements for Minor Parents**

All pregnant and parenting minors, regardless of their school-attendance or dependent status, age, pregnancy, the age of their youngest child, or participation in a supervised living arrangement, are required to participate in Reach Up unless exempt (see 2344.1 and 2344.2). They will have an FDP with a requirement to participate in a case-managed support, education, or training program. Minor parents who are also principal earners may be subject to participation requirements described under 2343.2.

**Pregnant and parenting minors who are assigned to Group 3 are also subject to all program requirements that apply to parents in that group.**

#### **2343.5     Participation Requirements for Education**

A parent or other caretaker relative 18 or 19 years of age who meets no exemption criterion other than caring for a child under age three and does not have a high school diploma or its equivalent may be required to participate in a Reach-Up-approved educational activity.

A parent or other caretaker relative age 20 or older without a high school diploma or its equivalent will be required to participate in an educational activity only when such education is required to attain his or her employment goal or he or she has tested at a basic literacy level of grade 8.9 or below.

**Parents assigned to Group 3 are also subject to all program requirements that apply to parents in that group.**

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**2343.6     Participation Requirements for Group 3 Parents**

Most Group 3 parents are subject to a time limit on the number of months they receive ANFC before being required to meet certain Reach Up participation requirements, including a work requirement. If they are not otherwise exempt according to 2344.2, these parents are required to participate in Reach Up when they are within two months of the end of their time limits and after the end of their time limits. They must meet the specific participation requirements, including the end-of-time-limits (ETL) hours-of-work requirement, detailed below in 2343.62.

Principal earners and pregnant and parenting minors assigned to Group 3 are required to participate in Reach Up before they are within two months of the end of their time limits and must also meet the participation requirements at 2343.2 and 2343.4.

**2343.61     Time Limits for Group 3 Parents**

The rules in this section govern who is subject to the time limit, when the time limit will expire, and how months of ANFC receipt are counted toward the time limit.

**A.     Parents Subject to the Time Limit**

The time limit for a principal earner in a two-parent family expires after 15 cumulative months of ANFC receipt.

The time limit for a single parent or the second parent in a two-parent family in which the first parent is incapacitated expires after 30 cumulative months of ANFC receipt.

**B.     Calculation of Cumulative Months of ANFC Receipt**

1. Only full calendar months of ANFC receipt are counted toward expiration of a parent's time limit.
2. The count of cumulative months of ANFC receipt begins no earlier than the first full month after a parent has been assigned to Group 3.
3. If parents in a two-parent family assigned to Group 3 received their person assignments at different times, the following rules apply to the calculation of cumulative months of ANFC receipt for the parent subject to a time limit. (Refer to assignment policy at 2208.1.)

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2343.61 Time Limits for Group 3 Parents (Continued)

**B. Calculation of Cumulative Months of ANFC Receipt (Continued)**

- When both parents have person assignments to Group 3, the cumulative months of ANFC receipt are calculated separately for each parent, and the higher number of months is applied to the parent subject to a time limit.
- When only one parent has a person assignment to Group 3, the cumulative months of ANFC received by that parent are applied to the parent subject to a time limit.

In most cases, both parents in two-parent families will have received their assignment to Group 3 at the same time.

4. Changes in the number of months of ANFC receipt counted toward a parent's time limit (from 15 months to 30 months or from 30 months to 15 months) do not affect the calculation of the cumulative months of ANFC receipt (e.g., ANFC received as a single parent count toward cumulative months of ANFC receipt for a parent in a two-parent family).
5. In computing the 15-month or 30-month time limit, 6 months shall be subtracted for each continuous 12-month period within which the family either did not receive ANFC in Vermont or received a reduced ANFC benefit due to income from unsubsidized employment. The following provisions apply to calculating this 6-month reduction:
  - a. A continuous 12-month period may not begin prior to the month in which the family was assigned.
  - b. Credit is earned, recorded, and retained on an individual basis for any parent in the assistance unit.
  - c. Parents whose person assignment is Group 3 may accumulate credits because of either a 12-month reduction in ANFC or nonreceipt of ANFC, no matter what their family assignment is.

- d. Parents with person assignments to Group 3 must have received ANFC after assignment to have a subsequent month of nonreceipt of ANFC count toward a six-month credit.**

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2343.61 Time Limits for Group 3 Parents (Continued)

B. Calculation of Cumulative Months of ANFC Receipt (Continued)

- e. Parents whose person assignment is Group 1 or 2 may accumulate credits through employment resulting in a 12-month reduction in ANFC only during the time they are a member of an assistance group with a family assignment to Group 3. Parents whose person assignment is Group 1 or 2 do not accumulate credit for nonreceipt of ANFC.
  - f. Self-employment income from providing room and/or board to fewer than four households and from property rental does not count as unsubsidized employment toward earning a six-month credit.
  - g. An earner must not have quit nor have been dismissed from a job (for a reason other than those listed under 2349.2) for any month of reduced ANFC due to employment to count toward a 12-month period, unless the parent began other unsubsidized employment with equivalent or greater earnings no later than the month following the month of the quit or dismissal.
  - h. For single-parent families, the number of credits earned by the parent are deducted from the gross number of months of ANFC receipt, except that the resulting figure cannot net below zero.
  - i. For two-parent families, the number of credits earned by the parent with the most credits are deducted from the gross number of months of receipt of ANFC, except that the resulting figure cannot net below zero.
6. For the applicant who has not resided in Vermont continuously during the 12 months immediately preceding application for ANFC, the calculation of the cumulative period of ANFC receipt shall be modified at the time of the Family's benefits as follows:
- The cumulative period of ANFC receipt for parents otherwise subject to a 15-month time limit shall be deemed to be 10 months.
  - The cumulative period of ANFC receipt for parents otherwise subject to a 30-month time limit shall be deemed to be 25 months.

Months of additional ANFC receipt subsequent to this modification shall be

**accumulated toward a time limit according to the rules for calculation of cumulative months of ANFC receipt in this section.**

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2343.6      Participation Requirements for Group 3 Parents (Continued)

2343.62      Requirements for Parents Within Two Months of ETL

A nonexempt parent whose time limit will expire within two months must meet the following participation requirements or be referred to the conciliation process described at 2350, if he or she is eligible for conciliation. A parent ineligible for conciliation or still not meeting participation requirements after the conciliation resolution period will be subject to the sanctions for noncompliance at 2351.2 when his or her time limit expires.

A.      Job Search Before ETL

1.      Principal Earners

Unless already employed 40 hours per week in unsubsidized employment or otherwise exempt, a principal earner is required to participate in job search during the 15<sup>th</sup> calendar month for which ANFC benefits are received.

In addition, the principal earner must participate in job search during the period of two weeks following the family's application for ANFC or reapplication for ANFC following a period of nonreceipt lasting at least 30 days. If, at the end of two weeks, a decision on the family's application or reapplication has not been made, the parent must continue to participate in job search until the decision is made.

To meet this requirement, the principal earner must participate in job search 40 hours per week. Hours of unsubsidized employment shall be substituted for this job search on an hour-for-hour basis.

2.      Parents Other Than Principal Earners

Unless he or she is already meeting the hours-of-work requirement through unsubsidized employment, a nonexempt parent whose 30-month time limit will expire within two months is required to participate in job search during two consecutive calendar months. This job search shall begin the first day of the second month prior to ETL (month 29) for most parents. It may begin later in the two-month period before ETL, when the parent becomes subject to a time limit later due to loss of an exemption, loss of employment, a change in family composition, or an interruption in the receipt of ANFC. In all cases, however, the nonexempt parent is required to participate in job

search during two consecutive calendar months, even if the job search is delayed beyond ETL, unless he or she is already meeting the hours-of-work requirement through unsubsidized employment.

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2343.62    Requirements for Parents Within Two Months of ETL (Continued)

A.    Job Search Before ETL (Continued)

2.    Parents Other Than Principal Earners (Continued)

To be considered exempt from this job search requirement on the basis of employment, a parent must be working in unsubsidized employment or self-employment, or participating in Reach Up to an extent that will satisfy his or her ETL hours-of-work requirement (see 2343.63A).

Job readiness activities may substitute for up to four weeks of this job search requirement with the approval of the case manager.

B.    Requirement to Accept or Retain a Suitable Unsubsidized Job

A nonexempt parent whose time limit will expire within two months is required to accept any offer of unsubsidized employment and retain any current unsubsidized employment unless he or she has good cause not to do so (see 2349.2 for good cause).

C.    Requirement to Participate in CWE (Principal Earners Only)

During the 14<sup>th</sup> month of ANFC receipt, a nonexempt principal earner shall be required to participate in community work experience (CWE) 40 hours per week or the number of hours equivalent to the family's benefits, whichever is less, unless he or she is required to participate in job search at the same time (see above). (See 2343.63 A2c for the calculation of hours equivalent to the family's benefits.)

D.    Requirement to Cooperate with Reach Up

A nonexempt parent whose time limit will expire within two months is required to work with a Reach Up case manager to assess job readiness and placement needs and to develop an FDP.



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**2343.63    WRP Work Requirements After ETL**

**A nonexempt parent whose time limit has expired must meet the following work requirements or be referred to the conciliation process described at 2350, if he or she is eligible for conciliation. A nonexempt parent ineligible for conciliation or still not meeting these work requirements after the conciliation resolution period will be subject to the sanctions for noncompliance at 2351.2.**

**A.    ETL Hours-of-Work Requirement**

The hours needed to meet the ETL hours-of-work requirement depend on characteristics of the parent and the ANFC family and the kind of work used to meet it. The ETL hours-of-work requirement may be met through unsubsidized work, subsidized work, or other work-related activities, as specified in this section. When the parent is participating in educational or training activities included in the FDP or making progress according to an approved self-employment business plan, the ETL hours-of-work requirement may be modified or deferred. The following rules govern the determination of a parent's ETL hours-of-work requirement.

**1.    Hours of Unsubsidized Work Required**

**An unsubsidized job is a job in the public or private sector in which less than 50 percent of the wages are provided by diversion of ANFC funds. Self-employment may also constitute unsubsidized employment.**

**a.    Full-Time ETL Hours-of-Work Requirement**

**To meet the ETL hours-of-work requirement through unsubsidized employment, a principal earner must be working full time in unsubsidized employment, defined as 40 or more regular hours per week for principal earners.**

**b.    Transition Period Hours-of-Work Requirement**

**The following Group 3 parents must be engaging in work activities as described in the transition period policy at WAM 2356.1:**

- a single parent with a child at home receiving either ANFC or SSI or**
- a second parent in a two-parent family in which the first parent is incapacitated when the parents have one or more**

children at home receiving either ANFC or SSI.

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**2343.63    WRP Work Requirements After ETL (Continued)**

**A.    ETL Hours-of-Work Requirement (Continued)**

**1.    Hours of Unsubsidized Work Required (Continued)**

**c.    Wage-Paying Unsubsidized Employment**

Hours worked in an unsubsidized wage-paying job are countable toward the ETL hours-of-work requirement as long as the wage is at least as high as the Vermont minimum wage.

**d.    Countable Self-Employment Hours**

No self-employment hours may be counted toward the ETL hours-of-work requirement unless the parent has prepared a self-employment business plan that has been approved and incorporated into the FDP two months before the end of the parent's time limit. This rule applies whether the ETL hours-of-work requirement is modified (see 2343.6A, 4) or not. When a parent submits a self-employment business plan and it is not approved, the parent will be allowed 30 days in which to modify this self-employment business plan in an attempt to have it be approved upon second review. A parent whose business plan is not approved at the second review will be required to seek and accept wage-paying employment that meets the parent's ETL hours-of-work requirement. In addition, a parent who has submitted a plan for a particular business activity may not submit a substitute plan for a different business activity once s/he has reached month 14 or 29 of ANFC receipt, whichever corresponds to the parent's WRP time limit.

In addition to the requirement for an approved self-employment business plan, self-employment is unlike wage-paying unsubsidized employment in that the hours counted toward the ETL hours-of-work requirement are based on a measure of how much net income the self-employment produces, in comparison to minimum-wage unsubsidized employment, rather than the number of hours the parent engages in carrying out the self-employment business plan.

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**2343.63    WRP Work Requirements After ETL (Continued)**

**A.    ETL Hours-of-Work Requirement (Continued)**

**1.    Hours of Unsubsidized Work Required (Continued)**

**d.    Countable Self-Employment Hours (Continued)**

**This measure is called countable self-employment hours, and it is calculated by dividing the net self-employment income (i.e., gross business income less allowable business expenses) by the Vermont minimum wage.**

**Hours of self-employment associated with providing room and/or board to fewer than four households or with property rental are not countable self-employment hours and do not count toward the ETL hours-of-work requirement.**

**A parent whose self-employment business plan has been approved and included in his or her FDP two months before the end of the time limit may request a temporary modification of the ETL hours-of-work requirement, as specified at 2343.63 A 5, with the understanding that the temporary modification no longer applies if any required milestone of countable self-employment hours is not achieved within the specified time period.**

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2343.63   WRP Work Requirements After ETL (Continued)

A.   ETL Hours-of-Work Requirement (Continued)

e.   In-Kind Earnings

No hours spent earning in-kind income may be counted toward a parent's ETL hours-of-work requirement unless the in-kind income reduces the family's ANFC grant. Unlike wage-paying unsubsidized employment, the hours associated with earning in-kind income countable toward the ETL hours-of-work requirement are based on the amount of the ANFC reduction, rather than on the number of hours the parent spends earning the in-kind income.

The number of countable hours of work associated with earning in-kind income is calculated by dividing the amount of the ANFC reduction due to in-kind earnings divided by the Vermont minimum wage. No more than 75 percent of a parent's ETL hours-of-work requirement may be met with hours of work calculated from the ANFC reduction due to in-kind earnings.

2.   Hours of CSE Required

Community Service Employment (CSE) is a subsidized placement with a public or nonprofit employer for which at least 50 percent of the wages are provided by diversion of ANFC funds.

A nonexempt parent not meeting the ETL hours-of-work requirement through unsubsidized employment must participate in one or more CSE placements, if available. The hours of required CSE activity, either alone or in combination with hours of unsubsidized employment, must equal a full-time CSE placement when the parent has a full-time ETL hours-of-work requirement or a half-time CSE placement when the parent has a half-time ETL hours-of-work requirement.

a.   Full-Time CSE Placement

A full-time CSE placement is a subsidized work activity with total regular hours of 40 hours per week or the number of hours equivalent to the family's benefits, whichever is less.

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**2343.63 WRP Work Requirements After ETL (Continued)**

**A. ETL Hours-of-Work Requirement (Continued)**

**2. Hours of CSE Required (Continued)**

**b. Transition Period CSE Placement**

A transition period CSE placement is a subsidized work activity with total regular hours that are sufficient to meet the parent's hours-of-work requirement or the number of hours equivalent to the family's benefits, whichever is less.

**c. Calculation of Hours Equivalent to the Family's Benefits**

For parents other than principal earners, the number of hours equivalent to the family's benefits is calculated by first subtracting the family's countable unearned income, the countable earnings of any family member not subject to the ETL hours-of-work requirement, and any recoupment due to agency error from the ANFC payment standard. The difference is then divided by the Vermont minimum wage, and this result is divided by 4.3 weeks per month to find the hours equivalent to the family's benefits. (See 2346.92 for scheduling CSE hours based on the family's benefits.)

For principal earners, the number of hours equivalent to the family's benefits is calculated according to the following steps. The ANFC portion of the family's benefits is calculated without consideration of any income. Then the family's monthly food stamp benefits are determined based on the ANFC result, without consideration of any other household income, and added to the ANFC result. The sum is then divided by the Vermont minimum wage, and this result is divided by 4.3 weeks per month to find the hours equivalent to the family's benefits.

**d. Minimum Number of Hours of Required CSE Activity**

If the result of the calculation of the number of hours required to meet the ETL hours-of-work requirement through CSE according to a or b above is fewer than five hours per week, the parent must accept a CSE placement with five hours per week. If none is available, he or she must accept a CSE placement with fewer than five hours per week. If no CSE placement with five or fewer hours

per week is available, the parent is required to participate in job search five hours per week.

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**2343.63    WRP Work Requirements After ETL    (Continued)**

**A.    ETL Hours-of-Work Requirement    (Continued)**

**3.    Hours of Other Paid Work Activities**

Hours of other paid work activities approved by the Reach Up case manager, as described in 2346.7, may be used to satisfy the ETL hours-of-work requirement, either alone or in combination with unsubsidized employment or CSE placement.

**4.    Hours of Job Search or CWE (Principal Earners Only)**

A principal earner may also use hours of participation in job search or community work experience (CWE) to satisfy the ETL hours of work requirement, either alone or in combination with unsubsidized employment, CSE placement, or other paid work activities, on an hour-for-hour basis, with the approval of his or her case manager.

**5.    Modified ETL Hours-of-Work Requirement for Self-Employed Parent**

A parent making progress according to a self-employment business plan already included in the FDP two months before ETL may have his or her ETL hours-of-work requirement temporarily modified according to the schedules below. The parent must attain the number of countable self-employment hours specified for each milestone below unless s/he meets one of the conditions described below that permit a temporary suspension of the milestone requirement.

20-Hour Modified ETL Hours-of-Work Requirement for Self-Employment	Milestones for Required Countable Self-Employment Hours per Week				
	Existing Countable Self-Employment Hours per Week at ETL (end of month 30)	at ETL + 3 months (end of month 33)	at ETL + 6 months (end of month 36)	at ETL + 12 months (end of month 42)	at ETL + 18 months (end of month 48)
fewer than 5		attain 3 hours	attain 5 hours	attain 10 hours	attain 20 hours*
at least 5 but fewer than 10			attain 10 hours	attain 20 hours*	
at least 10 but fewer than 20			attain 20 hours*		

**\*These hours represent the unmodified hours-of-work requirement for Group 3 single parents who have a child under age 6.**

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**2343.63   WRP Work Requirements After ETL   (Continued)**

**A.   ETL Hours-of-Work Requirement   (Continued)**

**5.   Modified ETL Hours-of-Work Requirement for Self-Employed Parent   (Continued)**

30-Hour Modified ETL Hours-of-Work Requirement for Self- Employment	Milestones for Required Countable Self-Employment Hours per Week				
	at ETL+3 months (end of month 33)	at ETL + 6 months (end of month 36)	at ETL + 12 months (end of month 42)	at ETL + 18 months (end of month 48)	at ETL + 24 months (end of month 54)
Existing Countable Self- Employment Hours per Week at ETL (end of month 30)					
fewer than 5	attain 3 hours	attain 5 hours	attain 10 hours	attain 20 hours	attain 30 hours*
at least 5 but fewer than 10		attain 10 hours	attain 20 hours	attain 30 hours*	
at least 10 but fewer than 20		attain 20 hours	attain 30 hours*		
at least 20 but fewer than 30		attain 30 hours*			

**\* These hours represent the unmodified hours-of-work requirement for Group 3 parents who are either a single parent who has no children under age 6 or an able-bodied parent in a two-parent family where the other parent is incapacitated.**



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2343.63 WRP Work Requirements After ETL (Continued)

A. ETL Hours-of-Work Requirement (Continued)

5. Modified ETL Hours-of-Work Requirement for Self-Employed Parent  
(Continued)

40-Hour, Full-Time Modified ETL Hours-of- Work Requirement for Self-Employment	Milestones for Required Countable Self-Employment Hours per Week					
	at ETL+ 3 months (end of month 18)	at ETL + 6 months (end of month 21)	at ETL + 12 months (end of month 27)	at ETL + 18 months (end of month 33)	at ETL + 24 months (end of month 39)	at ETL + 30 months (end of month 45)
Existing Countable Self- Employment Hours per Week at ETL (end of month 15)						
fewer than 5	attain 3 hours	attain 5 hours	attain 10 hours	attain 20 hours	attain 30 hours	attain 40 hours*
at least 5 but fewer than 10		attain 10 hours	attain 20 hours	attain 30 hours	attain 40 hours*	
at least 10 but fewer than 20		attain 20 hours	attain 30 hours	attain 40 hours*		
at least 20 but fewer than 30		attain 30 hours	attain 40 hours*			
at least 30 but fewer than 40		attain 40 hours				

\* These hours represent the unmodified full-time hours-of-work requirement for Group 3 principal earners.

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**2343.63 WRP Work Requirements After ETL (Continued)**

**A. ETL Hours-of-Work Requirement (Continued)**

**5. Modified ETL Hours-of-Work Requirement for Self-Employed Parent  
(Continued)**

If the countable self-employment hours attained are fewer than those required at any one of these milestones, the temporary modification no longer applies, and the parent must participate in ETL job search to obtain unsubsidized employment to meet an unmodified ETL hours-of-work requirement (see 2343.63A, 1-3). If this job search is unsuccessful, the parent must accept a CSE placement.

Suspension of a particular milestone requirement may be allowed by the commissioner or his or her designee when the parent can document to the department's satisfaction that, except for a condition described below, s/he would have attained the hours required for the milestone in the modified self-employment schedule. Conditions that permit such suspension are:

- temporary illness of the parent or member of the parent's immediate family that prevented the parent from engaging in self-employment activity for more than 30 days; or
- work was performed under one or more written contracts during the interval between the most recent milestone and the milestone for which a suspension is sought; this work would have enabled the parent to meet the milestone had s/he received compensation for it during such interval; and there is a reasonable basis to expect that compensation for this work will be received in the succeeding interval.

In addition, there is a reasonable expectation that work will be performed under one or more written contracts during the interval between the milestone for which a suspension is sought and the next milestone; and, moreover, there is a reasonable basis to expect that compensation received for work performed during this latter interval will be received before the next milestone and, by itself, be sufficient to enable the parent to meet the milestone.

A suspension permits the parent to skip the milestone affected by the allowable

condition; however, the parent is required to meet the next milestone. If the next milestone is the last one in the schedule, the suspension is for no more than three months.

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2343.63   WRP Work Requirements After ETL (Continued)

A.   ETL Hours-of-Work Requirement (Continued)

6.   Modified or Deferred ETL Hours-of-Work Requirement for Parent in Education or Training

A parent's ETL hours-of-work requirement may be modified or deferred when he or she is meeting other Reach Up participation requirements and making satisfactory progress in educational or training activities. The following rules describe the criteria for modifying or deferring the ETL hours-of-work requirement for these parents. They apply when:

- a parent is enrolled in post-secondary education,
- a parent's completion of the FDP would be jeopardized by an unmodified ETL hours-of-work requirement, or
- a parent's progress of the FDP has been delayed by DSW's failure to provide support services or access to Reach Up.

a.   Parent Enrolled in Post-Secondary Education

A parent enrolled full-time, as defined by the school, in a post-secondary education program meeting Reach Up requirements shall have a reduced ETL hours-of-work requirement of six hours per week.

A parent enrolled in at least six credit hours of course work or the equivalent but less than full-time, as defined by the school, in a post-secondary education program meeting Reach Up requirements shall have a reduced ETL hours-of-work requirement of 12 hours per week.

Either of these reduced ETL hours-of-work requirements may be met

**by a college work-study program, community service program, or other unsubsidized employment. If the parent is unable to obtain enough hours of such work activity to meet a reduced requirement, the requirement may be met through a CSE placement.**

**Parents nearing completion of their post-secondary programs may be exempt from the ETL hours-of-work requirement (see 2344.2 B).**

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2343.63    WRP Work Requirements After ETL (Continued)

A.    ETL Hours-of-Work Requirement (Continued)

6.    Modified or Deferred ETL Hours-of-Work Requirement for Parent in Education or Training (Continued)

b.    FDP Completion Jeopardized

A parent making satisfactory progress in educational or training activities included in the FDP may have a modified ETL hours-of-work requirement if the commissioner, or the commissioner's designee, determines that fulfillment of the parent's unmodified ETL hours-of-work requirement would jeopardize completion of the FDP. The modified ETL hours-of-work requirement may be met with subsidized or unsubsidized work.

The modified ETL hours-of-work requirement, combined with scheduled hours of education and training, shall be substantially equal to the CSE placement requirement the parent would otherwise be subject to. For a parent with a full-time ETL hours-of-work requirement, the modified ETL hours-of-work requirement shall be no fewer than 10 hours per week. For a parent with a half-time ETL hours-of-work requirement, the modified ETL hours-of-work requirement shall be no fewer than 5 hours per week.

c.    FDP Completion Delayed Due to DSW Failure

A parent may have a modified or deferred ETL hours-of-work requirement when he or she has been unable to complete the FDP within the first 13 or 28 months of ANFC receipt solely because DSW did not arrange timely support services or access to Reach Up under the following conditions:

- (1) the parent must be currently participating in Reach Up and making satisfactory progress in educational or training activities included in the FDP;
- (2) the assessment of the parent's ability to complete the FDP shall be performed no earlier than three months before ETL (no earlier than month 13 or 28, according to the parent's time

limit); and

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2343.63 WRP Work Requirements After ETL (Continued)

A. ETL Hours-of-Work Requirement (Continued)

6. Modified or Deferred ETL Hours-of-Work Requirement for Parent in Education or Training (Continued)

c. FDP Completion Delayed Due to DSW Failure (Continued)

- (3) DSW's delay in arranging support services or access to Reach Up must have caused a delay of at least 30 consecutive days in the parent's initiation or completion of an approved educational or training activity or acceptance into Reach Up.

For the purposes of this subsection, support services are defined to include education and job training and must be included in the approved FDP. Support services are considered timely when they are:

- (1) arranged, along with the development of an FDP, within 90 days of the parent's first meeting with a case manager to begin formal Reach Up participation,
- (2) arranged as a result and within 30 days of a modification of the parent's FDP or
- (3) delayed through no fault of DSW.

The deferral or modification of the parent's ETL hours-of-work requirement is determined according to the following rules:

- (1) The ETL hours-of-work requirement is deferred or modified only for the length of time the parent's initiation or completion of an approved educational or training activity or acceptance

into Reach Up was delayed by DSW's failure to arrange support services or access to Reach Up.

- (2) Modifications to the ETL hours-of-work requirement are subject to the rules for modification at 2343.A, b.

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2343.63 WRP Work Requirements After ETL (Continued)

A. ETL Hours-of-Work Requirement (Continued)

6. Modified or Deferred ETL Hours-of-Work Requirement for Parent in Education or Training (Continued)

c. FDP Completion Delayed Due to DSW Failure (Continued)

- (3) The commissioner, or the commissioner's designee, may grant a deferral or modification of the ETL hours-of-work requirement when a parent believes that failure to defer or modify it would jeopardize completion of the parent's FDP and requests a review of his or her individual case circumstances.
- (4) Automatic deferral or modification of the ETL hours-of-work requirement may be granted according to the following table, based on the length of delay and the extent of the parent's participation in activities included in his or her FDP.

Length of Delay Caused by DSW's Failure to Arrange Support Services or Access to Reach Up	Percentage of ETL Hours-of-Work Requirement Met with Current Participation in FDP Activities	Automatic Deferral or Modification of ETL Hours-of-Work Requirement
6 or more cumulative months	not applicable	automatic deferral
	50% or more	automatic deferral

3-6 cumulative months		
	less than 50%	automatic modification
fewer than 3 cumulative months	not applicable	none

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2343.63    WRP Work Requirements After ETL (Continued)

**B.    Job Search After ETL**

**1.    Principal Earners**

A nonexempt principal earner not meeting his or her ETL hours-of-work requirement through unsubsidized employment may be required to participate in job search, as deemed appropriate by his or her case manager, to satisfy the hours-of-work requirement (see 2343.63A).

**2.    Parents Other Than Principal Earners**

A nonexempt parent with a 30-month time limit who is not meeting the ETL hours-of-work requirement through unsubsidized employment shall be required to participate in job search during two consecutive calendar months:

- after each ten-month period of participation in CSE;
- following the loss of an unsubsidized or subsidized job;
- as part of the CSE placement process described in 2346.93;
- following the loss of an exemption from the ETL hours-of-work requirement;
- after becoming subject to the ETL hours-of-work requirement due to a change in family composition;
- to end a sanction, as defined in 2351.2.

**A parent with a 30-month time limit who has not participated in job search during two consecutive calendar months prior to ETL must complete that job search before accepting a CSE placement. A parent with a 30-month time limit granted ANFC following an interruption of ANFC receipt must also participate in job search during two consecutive calendar months before accepting a CSE placement.**

**C. Requirement to Accept or Retain a Suitable Unsubsidized Job**

**A nonexempt parent whose time limit has expired is required to accept any offer of unsubsidized employment and retain any current unsubsidized employment unless he or she has good cause not to do so (see 2349.2 for good cause).**

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2343.63    WRP Work Requirements After ETL (Continued)

D. Requirement to Accept or Retain a CSE Placement

A nonexempt parent not meeting the ETL hours-of-work requirement through unsubsidized employment is required to accept a CSE placement and retain any current CSE placement unless he or she has good cause not to do so (see 2349.2 for good cause).

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**2343.64    Other Participation Requirements After ETL**

A nonexempt parent whose time limit has expired must also meet the following participation requirements, if applicable, or be referred to the conciliation process described at 2350, if he or she is eligible for conciliation. A parent ineligible for conciliation or not meeting these requirements after the conciliation resolution period will be subject to the sanctions for noncompliance at 2351.2.

**A.    Requirement to Cooperate with Case Manager**

A parent not meeting his or her ETL hours-of-work requirement with hours of unsubsidized employment and/or other approved paid work activities is required to work with a Reach Up case manager to assess job readiness and placement needs and, where applicable, to develop an FDP.

**B.    Requirement to Participate When No Job or CSE Placement Is Available**

A parent not meeting his or her ETL hours-of-work requirement for whom there is no unsubsidized job or CSE placement is required to continue participation in Reach Up as defined at 2346.93 B 3.

**C.    Requirement to Participate in CWE or Paid Work Activities (Principal Earners Only)**

A principal earner not meeting the ETL hours-of-work requirement through unsubsidized employment, may be required to participate in community work experience or paid work activities other than CSE, as deemed appropriate by his or her case manager (see 2343.63A).

**D.    Requirement for Medically Exempt Parents to Participate**

When they have been determined medically exempt from WRP work requirements under 2344.2, A, single parents and second parents in two-parent families in which the first parent is incapacitated shall be required to participate in appropriate rehabilitation, education, or training programs.

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2344 Criteria Which Exempt An Individual from Required Participation

An individual who would otherwise be required participate in Reach Up is exempt from participation if he or she meets one of the criteria described in the following two sections.

2344.1 Exemption Criteria for Group 1, 2, or 3 Participants (Except Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC)

1. A child under age 16 who is not pregnant and who is not a parent.
2. A child aged 16 or 17 who is attending an elementary, secondary, vocational or technical school, and is enrolled as a full-time student as defined by the school.

Note: This exemption does not apply to pregnant minors or minor parents.

A child aged 18 (but not yet 19) is exempt under the same conditions as a 16- or 17-year-old child except that, in addition, he or she must meet the requirements defined under 2301.

3. A person 60 years of age or older.
4. A person working 30 hours or more per week at federal or state minimum wage, whichever is higher.

Note: This exemption does not apply to pregnant minors or minor parents.

Note: This exemption does not apply to a principal earner or second parent assigned to Group 2 or Group 3 in an ANFC-UP assistance group.

5. A person who:
  - a. Has an illness or injury which is serious enough to prevent temporarily (up to 90 days) his or her entry into employment or training. This exemption must be based on medical evidence or another sound basis; or
  - b. Has been determined incapacitated according to WAM 2332; or
  - c. Has an active case with the Division of Vocational Rehabilitation.

6. A person who lives so far away from a Reach Up office that effective participation is precluded. At the present time, the Departments of Employment and Training and Social Welfare have determined that no geographic areas in the State are considered too remote for exemption purposes.

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2344.1 Exemption Criteria for Group 1, 2, or 3 Participants (Except Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC)  
(Continued)

7. The person is needed in the home to care for another household member who is unable, due to illness or injury, to care for him- or herself, and no other appropriate member of the household is available to provide the needed care. This exemption requires a physician or licensed psychologist's certification filed in the case record.

Note: This exemption does not apply to pregnant minors or minor parents.

The second parent in an ANFC-Incapacity assistance group is not exempt unless the criterion above or another exemption criterion is met.

8. A parent or other caretaker relative of a child under age three who is personally providing the majority of care for the child. The child does not have to be in the ANFC assistance group but must be living in the home. Only one parent or other caretaker relative may be exempt under this provision. In addition, the principal earner in an ANFC-UP family may not be exempt under this provision.

Note: This exemption does not apply to a pregnant minor or minor parent nor to an 18- or 19-year-old parent or caretaker relative, as described under 2343.5.

9. A pregnant woman, when it has been medically verified that the child is expected to be born in the current month or within the following six-month period.

Note: This exemption does not apply to a pregnant minor.

10. A full-time volunteer serving under the Volunteers In Service To America (VISTA) program.

11. A person whose situation would result or has resulted in a

determination of good cause for failure to participate as defined in 2349.1, and the situation continues to exist.

Note: A pregnant minor or minor parent who has good cause for failure to participate in a particular program activity would be exempt from that activity but required to participate in other activities in the Family Development Plan.

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**2344.2    Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC**

**A.    Exemptions from Participation, Including WRP Work Requirements**

Parents in Group 3 who have received at least 13 or 28 months of ANFC shall be exempt from Reach Up participation, including the WRP work requirements, if they fall into one of the following categories:

1.    A parent 60 years of age or older.
2.    A pregnant woman, when it has been medically verified that the child is expected to be born within 30 days. When the child is not expected to be born within 30 days, a pregnant woman is exempt if she is meeting her ETL hours-of-work requirement.

Note:    This exemption does not apply to a pregnant minor.

3.    A person serving under VISTA as a full-time volunteer.
4.    Medical Exemption

A parent incapable of working the total number of hours of the applicable work requirement due to a documented physical, emotional, or mental condition that can be reasonably presumed to present a substantial barrier to employment. To meet this definition, the parent must have an impairment that makes him or her unable to do his or her previous work and all other work that exists within a two- hour commute of his or her home. To determine whether the client is able to do any work, the client's residual functional capacity, age, education, and work experience are reviewed based on information supplied by the client and by reports obtained from the treating physician(s) and other health care professionals who have examined the client. In the case of a parent who receives medical care through a managed care program, the determination will be made on the basis of information provided by the parent's primary care provider (PCP) or by a medical professional to whom the parent was referred by the PCP. Functional capacity includes mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

The department reserves the right to review and deny a request for a medical exemption. The department will obtain consultative reports if the treating physician's opinion is contradicted by evidence in the

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2340 - 2359 Reach Up Program

**2344.2 Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC (Continued)**

**A. Exemptions from Participation, Including WRP Work Requirements (Cont'd)**

**4. Medical Exemption (Continued)**

record, a vocational rehabilitation counselor or similar professional familiar with the parent recommends consultation, a physician chosen by the parent has not treated the client for the condition, or there were multiple conditions, all of which were not treated by that physician.

**One, Two or Three Month Exemption**

A parent found to be incapable of working the total number of hours of the applicable work requirement for a period of one, two, or three months is exempt for this period and is not required to participate in a rehabilitation, education or training program during this period. Any request to extend the exemption beyond this original one-, two-, or three- month period will be reviewed by a Medical Examiner.

**Four to Twelve Month Exemption**

A person incapable of working the total number of hours of the applicable work requirement for a period expected to last longer than three months, but fewer than twelve months, shall be required to participate in appropriate rehabilitation, training and education activities available to the person. The physician shall identify appropriate medical treatments that shall become part of the rehabilitation requirements. The case manager and the person shall determine additional, nonmedical activities based on the individual's diagnosis, functional capacity and need. It is the person's responsibility to participate and to document participation in required activities until established goals are met. Although the person will be encouraged to undergo surgical procedures recommended as part of a treatment plan, he or she will not be required to do so.

A parent who fails to participate in appropriate rehabilitation, education or training programs will lose his or her medical exemption from the WRP work requirements.

A parent is exempt from the WRP work requirements only until the treating

physician, subject to department review, states that the individual can return to work, even if he or she cannot return to his or her previous work. A request to extend the exemption beyond the original period of time will be reviewed by the Medical Examiner.

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**2344.2      Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC (Continued)**

**A.      Exemptions from Participation, Including WRP Work Requirements (Continued)**

**4.      Medical Exemption (Continued)**

A parent able to work fewer hours than his or her hours-of-work requirement shall be required to work this reduced number of hours.

**Indefinite Medical Exemption**

A parent incapable of working for 12 months or longer must have a severe impairment. A recommendation by the client's treating physician for an indefinite exemption shall be reviewed by a Medical Examiner, and the exemption shall not be granted unless the Medical Examiner concurs with the recommendation. A decision to grant an indefinite exemption shall be reviewed at the time the Medical Examiner determines appropriate.

A parent who is disabled, as determined by the Social Security Administration (SSA), shall be considered incapable of working without further review by the department since the criteria used by SSA are more rigorous than the criteria used by the department. An incapacitated parent in a two-parent household is exempt under 2332.

5. A parent needed in the home on a full-time basis as the primary caregiver for a child under the age of six months.
6. A parent needed in the home on a full-time or part-time basis, as certified by a physician or licensed psychologist, to care for an ill or disabled parent, spouse, second parent, or child also residing in the home. A parent who is needed in the home on a part-time basis shall be eligible for a partial exemption from the work requirement and shall have the hours-of-work requirement modified.

Note: Exemption numbers 5 and 6 do not apply to a minor parent.

7. A parent waiting to have his or her case assigned to a Reach Up case

**manager.**

- 8. A parent for whom support services necessary for participation in all activities in the Family Development Plan are unavailable.**

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**2344.2 Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC (Continued)**

**B. Exemptions From the WRP Work Requirements Only**

A parent is exempt from the WRP work requirements but must satisfactorily participate in the Reach Up program if he or she is:

1. **Attending classes at least 24 hours per week and making satisfactory progress towards the attainment of a high school diploma or general educational development (GED) certificate, as identified in his or her Family Development Plan.**
2. **Enrolled in, attending, and making satisfactory progress at the end of time limits towards the completion of a program of post-secondary education as identified in his or her Family Development Plan if he or she meets one of the following criteria:**
  - **Is enrolled full-time as defined by the school in a post-secondary education program whose normal duration is no more than two years and is within six months of expected completion of such program when s/he reaches the end of time limits. The parent shall be deferred from WRP work requirements until he or she has completed the program, is no longer attending the program, or the six-month completion period has ended, whichever occurs first.**
  - **Is enrolled full-time as defined by the school in a post-secondary education program whose normal duration is more than two years but no more than four years and is within 12 months of expected completion of such program when s/he reaches the end of time limits. The parent shall be deferred from WRP work requirements until he or she has completed the program, is no longer attending the program, or the 12-month completion period has ended, whichever occurs first.**
3. **A parent who is the primary caregiver for a child over six months but under eighteen months of age.**
4. **A pregnant woman who is not meeting her ETL hours-of-work requirement and whose child is not expected to be born within 30 days.**

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2344.2 Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC (Continued)

B. Exemptions From the WRP Work Requirements Only (Continued)

5. A parent experiencing the effects of domestic violence, as defined at 2225.1, or the parent of a child experiencing such effects.

When a parent requests an exemption due to the effects of domestic violence, the department shall make an individualized assessment of the family situation and available documentation to determine whether an exemption shall be granted. The department shall grant an exemption when, due to the effects of the domestic violence, fulfillment of the WRP work requirements can be reasonably anticipated to result in serious physical or emotional harm to the parent that significantly impairs the parent's capacity either to fulfill the requirements or to care for the child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child. These effects may be the result of domestic violence that occurred in the past or is occurring in the present.

Using a form provided by the department, the parent shall complete and sign a sworn affidavit providing information about the domestic violence itself and its effects. The parent shall also provide additional documentation from collateral sources unless the department determines that no additional documentation is required, based on criteria specified below. In every case, the department shall inquire whether the parent needs help completing the affidavit or obtaining additional documentation and, if so, provide that help.

In addition to the parent's sworn affidavit, the department may require one or more of the following items of documentation:

- medical records (for example, doctor, dentist, nurse, nurse practitioner, physician assistant, public health nurse);
- court documents (for example, relief from abuse orders, divorce findings, criminal proceedings including charges, not just

- convictions);
- police reports;
- statements from victim advocates in state's attorneys' offices;
- statements from staff working in a domestic violence program;
- school personnel reports;
- reports from other professionals (for example, private therapists, mental health or SRS staff);
- statements from neighbors or employers; or
- sworn affidavits from family and friends.

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**2344.2      Exemptions For Group 3 Parents Who Have Received At Least 13 or 28 Months of ANFC (Continued)**

**B.      Exemptions From the WRP Work Requirements Only (Continued)**

In its determination of what additional documentation is required, the department shall give first consideration to documentation the parent is able and willing to provide. The department shall not require any documentation other than the parent's sworn affidavit if the following conditions are met:

- the parent's affidavit is sufficiently detailed and consistent;
- no additional documentation can be obtained without jeopardizing the safety of a family member; and
- there is no reasonable basis for questioning the credibility of the affidavit.

The department may grant an initial exemption due to the effects of domestic violence for a period up to six months. The department may extend the exemption for a period of up to six months at a time.

If the department determines that the parent is able to work fewer hours than his or her hours-of-work requirement, he or she shall be required to work this reduced number of hours. There is no limit to the number of times the exemption may be extended, as long as the conditions for extending it, described below, are met.

To retain the exemption or an extension of the exemption, the parent must participate constructively in the development and, where applicable, revision of a Family Development Plan (FDP) that addresses the effects of domestic violence. In addition, the parent must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.

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2355 – 2356.6 Transition from Welfare Restructuring Project to New Reach Up Program for Group 3 Single Parents and Able-Bodied Spouses of Incapacitated Parents

2355 Transition Period

In May 2000, the Vermont General Assembly enacted Act 147, an “Act Relating to Assisting Families to Attain Self-Sufficiency.” Act 147 establishes the new Reach Up Program, the program that on July 1, 2001, will replace the Welfare Restructuring Project (WRP). Section 1133 of Act 147 requires the Commissioner of the Vermont Department of Prevention, Assistance, Transition, and Health Access (department) to establish a transition plan and rules to phase current recipients of Aid to Needy Families with Children (ANFC) into the new Reach Up Program. The transition period begins on November 1, 2000, and runs through June 30, 2001, although the phase-in process continues through May 1, 2002.

2355.1 Introduction to Transition Period

Single parents and the able-bodied spouses of incapacitated parents assigned to Group 3 under WRP have been required to work 15 or 30 hours per week after 30 cumulative months of ANFC receipt, the end of their work-related time limits (ETL). If no unsubsidized employment is available after ETL, they have been required to accept a subsidized CSE placement.

Beginning July 1, 2001, under Act 147, once the department has determined that they are work-ready, these parents will be required to engage in 20 or 30 hours of work activities. These work activities include but are no longer limited to subsidized and unsubsidized employment.

During the transition period, when these Group 3 parents reach ETL, they will no longer be required to meet the hours-of-work requirement defined under WRP. Instead, they will be deemed work-ready and required to meet the hours-of-work requirement defined under Act 147, which becomes effective for all ANFC families July 1, 2001.

In practice, this means that, to meet their unmodified ETL hours-of-work requirement:

- parents not ready for employment may engage in work activities other than employment;
- single parents whose youngest child is younger than 6 will be required to engage in work activities 20 hours per week instead of working in unsubsidized employment 15 hours per week;
- single parents whose youngest child is aged 6-12 will be required to engage in work activities 30 hours per week instead of working in unsubsidized employment 15 hours per week; and
- able-bodied spouses of incapacitated parents whose youngest child is younger than 13 will be required to engage in work activities 30 hours per week instead of working in unsubsidized employment 15 hours per week.

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### 2355.2 Application and Interpretation of Policy

The transition period policy is limited in application to the period from November 1, 2000, through June 30, 2001. After that period, Act 147 and related policy will be in effect. This policy should be read and interpreted in combination with pre-existing policy. The relationship established in the pre-existing policy between program requirements and ETL shall remain the same. For example, during the transition period, an event previously scheduled to occur a specified number of months before ETL shall take place the same number of months before the participant is deemed work-ready. To the extent that this transition policy conflicts with or is inconsistent with other ANFC policy, the transition policy shall control.

### 2355.3 Definitions

“Hours-of-work requirement” means the number of hours per week a participant must be engaged in allowable work activities.

“Transition period” means the time period from November 1, 2000, through June 30, 2001.

“Work activities” means the activities a participant may engage in to meet the work requirement. Time spent in a work activity is countable toward a participant’s work requirement only to the extent and degree that the work activity is allowed and countable in accordance with this policy and Part A of Title IV of the Social Security Act.

“Work-ready” means having received a specified number of cumulative months of financial assistance and being subject to a work requirement.

### 2356 Transition Period Work Requirements

This part of the transition policy modifies the work requirements previously established in WAM 2343.63. The full-time hours-of-work requirement, as applied to principal earners in WAM 2343.63A.1.a., remains unchanged and in effect. The requirements of WAM 2343.63B – C, for parents other than principal earners, remain applicable to the extent that they are not inconsistent with this transition period policy.

#### 2356.1 Hours-of-Work Requirement

The hours needed to meet the hours-of-work requirement depend on characteristics of the parent and the ANFC family and the kind of work used to meet it. The hours-of-work requirement may be met through unsubsidized work, subsidized work, or other work activities, as specified in this section. When the parent is participating in educational or training activities included in the family development plan (FDP) or making progress according to an approved self-employment business plan, the hours-of-work requirement may be modified or deferred. The following rules govern the determination of a parent’s hours-of-work requirement during the transition period.

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2356.1 Hours-of-Work Requirement (Continued)

1. To meet their hours-of-work requirement, the following parents must be participating for 20 or more regular scheduled hours per week in countable work activities:
  - single parents with a child under age 6 at home receiving either ANFC or SSI
2. To meet their hours-of-work requirement the following parents must be participating for 30 or more regular hours per week in countable work activities:
  - single parents with no children under age 6 at home receiving either ANFC or SSI or
  - second parents in a two-parent family in which the first parent is incapacitated where the parents have one or more children at home receiving either ANFC or SSI.

2356.2 Meeting with Case Manager

All participants with a transition period hours-of-work requirement shall meet with their case manager at least two months before being deemed work-ready. The purpose of this meeting is to prepare or modify their family development plan (FDP). The FDP shall require participation in countable work activities sufficient to meet the participant's hours-of-work requirement. If necessary, the participant shall also complete or update an assessment of job readiness and placement needs at this time.

2356.3 Work-Ready Dates

Under WRP, most Group 3 families' work requirements are triggered by the end of their time limits (ETL), determined by the number of cumulative months of ANFC the family received. During the transition period, the date when the parent must participate in work activities is still determined by the cumulative number of months the family receives ANFC, but the term used is "work-ready" instead of ETL.

Group 3 able-bodied single parents and able-bodied parents in two-parent families in which the other parent is incapacitated shall be deemed work-ready as follows:

1. Parents in families who have received 28 or more cumulative months of ANFC benefits before November 1, 2000, shall be deemed work-ready as of January 1, 2001.
2. Parents in families who have received their 28th cumulative month of ANFC benefits during the period beginning November 1, 2000, and ending on April 30, 2001, shall be deemed work-ready as of the first day of the 31st cumulative month of having received ANFC benefits.

3. Parents in families who have received 28 or more cumulative months of ANFC and who reapply for ANFC during the transition period shall be deemed work-ready on the first day of the month following their receipt of two consecutive full months of ANFC benefits after reapplication.

2356.3 Work-Ready Dates (Continued)

**WRP Group 3 nonexempt single parents and spouses of incapacitated parents: work-ready dates and case manager meeting dates based on cumulative number of months of ANFC.**

<b>Cumulative months of ANFC received after June 30,1994</b>	<b>Date by which ANFC is received</b>	<b>Date by which parent must meet with case manager</b>	<b>Work-ready date</b>
<b>28 + months</b>	<b>Oct. 31, 2000</b>	<b>Nov. 1, 2000</b>	<b>Jan. 1, 2001</b>
<b>28 months</b>	<b>Nov. 30, 2000</b>	<b>Dec. 1, 2000</b>	<b>Feb. 1, 2001</b>
<b>28 months</b>	<b>Dec. 31, 2000</b>	<b>Jan. 1, 2001</b>	<b>Mar. 1, 2001</b>
<b>28 months</b>	<b>Jan. 31, 2001</b>	<b>Feb. 1, 2001</b>	<b>Apr. 1, 2001</b>
<b>28 months</b>	<b>Feb. 28, 2001</b>	<b>Mar. 1, 2001</b>	<b>May 1, 2001</b>
<b>28 months</b>	<b>Mar. 31, 2001</b>	<b>Apr. 1, 2001</b>	<b>June 1, 2001</b>
<b>28 months</b>	<b>Apr. 30, 2001</b>	<b>May 1, 2001</b>	<b>July 1, 2001</b>

2356.4 Work Activities

- A. Work activities include the following activities to the extent that they are countable:
  - (1) unsubsidized employment, described as paid employment at 2346.7B.
  - (2) subsidized private sector employment, described as community service employment at 2346.9.
  - (3) subsidized public sector employment, described as community service employment at 2346.9.
  - (4) work experience, if sufficient private sector employment is not available and as described at 2346.6A.
  - (5) on-the-job training, described at 2346.7A.
  - (6) job search, described at 2346.8 and job readiness assistance, described at 2346.1.

- (7) community service programs, which means structured, supervised programs with regularly scheduled hours in which one or more participants engage in an unpaid work-related activity that benefits the community. Examples of community service programs include organized volunteer programs at food shelves, recycling centers, and homeless shelters, and work crews organized by the Department of Corrections.

2356.4 Work Activities (Continued)

- (8) vocational educational training, which means educational programs designed to provide the participant with skills or certification in a specific area of study that is necessary to obtain a job available in the local employment market. Examples of vocational education include nurse's aide and licensed practical nurse training programs, and auto-mechanics training programs.
- (9) job skills training directly related to employment, which means training that develops and enhances skills directly related to the participant's attainment, retention, and advancement in an unsubsidized job that is available in the local employment market.
- (10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.
- (11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;
- (12) provision of child care services to an individual who is participating in a community service program, as long as conducted consistent with the department's rules applicable to self-employment at 2343.63A. d.

B. Countable Work Activities

1. Mandatory Work Activities

Participants deemed work-ready during the transition period must spend at least 20 hours per week of their hours-of-work requirement in activities (1), (2), (3), (4), (5), (6), (7), (8), and (12) from the list above.

Participants shall engage in work activities that, if available, are consistent with the participant's highest level of capability and are part of the FDP leading to the employment goal, unless the participant's youngest child turns 18 months old after December 31, 2000.

During the transition period, a parent whose youngest child turns 18 months old after December 31, 2000, may have more flexibility in the work activities participated in to fulfill the work requirement hours. A parent exercising this option may fulfill the hours-of-work requirement by engaging in any combination of work activities without regard to the parent's level of capability or limitations on the work activities. This flexibility option is available only during the transition period.

A parent who exercises this option shall meet with the case manager to review, and modify if necessary, the family development plan (FDP) to include work activities that meet the weekly hours-of-work requirement and directly or indirectly support the parent's employment goal. A parent exercising this option shall meet with the case manager again at least two months before the parent's youngest child turns two years old. The purpose of this second meeting is to review, and modify if necessary, the parent's FDP to ensure that the parent will be fulfilling the work requirement hours in TANF-countable work activities

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#### 2356.4 Work Activities (Continued)

##### B. Countable Work Activities

###### 1. Mandatory Work Activities (Continues)

at the parent's highest level of work capability when the parent's youngest child turns two years old.

###### 2. Limitation on Work Activities

Job search and job readiness assistance are combined and treated as a single activity. This activity may be counted for only six weeks toward meeting a participant's work requirement, only four weeks of which may be consecutive.

Participation in vocational educational training as a countable activity is limited to not more than 12 months of participation.

Participation in a community service program as a countable activity is limited to individuals who due to their family or personal circumstances are unable to meet their hours-of-work in the work activities listed above in 2356.4 (1) – (6) or if placement in those activities is unavailable.

#### 2356.5 Exemptions, Deferments, and Modifications to Work Requirements

Participants deemed work-ready during the transition period shall be subject to the exemption policies in 2344 derived from section 11 of Act 106.

#### 2356.6 Sanctions

Participants deemed work-ready during the transition period shall be subject to the sanctions policies in WAM 2351 derived from section 11 of Act 106.