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Reach Up Services

2300 Reach Up Services (07/01/2001, 00-22)

In May 2000, when the legislature enacted Act 147, an “Act Relating to Assisting Families to Attain Self-Sufficiency” it expanded the existing services program into the current program which incorporates financial assistance and program services into one program. The Reach Up Program created by Act 147 assists families to attain self-sufficiency by fully integrating the financial assistance and services components of the program. A family cannot receive financial assistance unless the adult members are moving toward the goal of self-sufficiency by participating in the services program to their full ability.

The Reach Up services component consists of case management services, support services, and referrals provided in a structured way to eligible families to assist them in becoming self-sufficient. Requirements for participation in the services are linked to the individual adults needs and abilities. Adults capabilities are determined by assessments that consider the persons strengths as well as areas of need. The program utilizes a case management approach in which a participant, in partnership with the case manager, creates an individualized plan for the family's self-sufficiency. All participants must be working toward their employment goal.

Definitions

2301 Definitions (05/01/2014, 13-42)

The following definitions apply to the terms used in the rules for the Reach Up services component and the Reach First program.

- A. "Able-to-work" means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any allowable and countable combination of the work activities for at least 35 hours per week.
- B. "Able-to-work-part-time" means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week.
- C. "Adult" means an individual age 18 or older who is not a dependent child; or an individual under age 18 who is either pregnant or the parent of a dependent child.
- D. "Assessment" means the information-gathering process, carried out by the department's established protocol in Reach First, that identifies an individual's skills, aptitudes, interests, life and work experience, and barriers; and the determination of how these factors relate to the individual's family responsibilities, including child well-being, and current or potential participation in the labor force.
- E. "Barrier" means any physical, emotional, or mental condition; any lack of an educational, vocational, or other skill or ability; any lack of transportation, child care, housing, medical assistance, or other services or resources; domestic violence circumstances; caretaker responsibilities; or other conditions or circumstances that prevent an individual from engaging in employment or other work activity.
- F. "Caretaker" means an individual, other than a parent, age 18 or older who is fulfilling a parental role in caring for a dependent child by providing physical care, guidance, and decision-making related to the child's health, school, medical care, and discipline.
- G. "Case management" means the services provided by or through the department to participating families, including assessment, information, referrals, and assistance in the preparation and implementation of a family development plan.
- H. "Commissioner" means the Commissioner of the Vermont Department for Children and Families, or the commissioner's designee.
- I. "Countable" means the months of financial assistance that a Reach Up participant receives that count toward the 60-month time limit.
- J. "Department" means the Vermont Department for Children and Families (DCF).
- K. "Dependent child" means a child who is a resident of this state and:
 - is under the age of 18 years; or
 - is 18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching the age of 19 or is not expected to complete the educational program before reaching 19 solely due to a documented disability.

Definitions

- L. “Domestic violence” means any of the following acts, if committed by a family or household member:
- physical acts that resulted in, or threatened to result in, physical injury to the individual;
 - sexual abuse;
 - sexual activity involving a dependent child;
 - being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
 - threats of, or attempts at, physical or sexual abuse;
 - mental or emotional abuse; or
 - neglect or deprivation of medical care.
- For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.
- M. “Electronic benefit transfer transaction” means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.
- N. “Eligible family” means a family that is determined to be financially eligible for the programs authorized by 33 V.S.A. Chapters 10 and 11.
- O. “Family” means:
- one or more dependent children living with one or both parents or a relative, or a caretaker of such children; or
 - a pregnant individual.
- P. “Family development plan” (FDP) means the written plan, developed by the case manager with the involvement of the participating family, that charts the family’s participation in the services component of Reach Up.
- Q. “Homeless” means lacking a fixed and regular nighttime residence or living in one of the following as a primary nighttime residence:
- a supervised shelter designed to provide temporary accommodations, such as a welfare hotel or congregate shelter;
 - a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - a temporary accommodation, for not more than 90 days, in the residence of another individual;
 - a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings, such as a hallway, bus station, lobby, or similar place.
- R. “Living with a relative or caretaker” means living with a caretaker or relative in a residence maintained by the caretaker or one or more relatives at his or her or their home.

Definitions

- S. "Parent" means a biological parent, stepparent, adoptive parent, or pregnant individual.
- T. "Participant" means an adult or out-of-school youth who is a member of a participating family.
- U. "Participating family" means an eligible family that participates in the Reach Up program.
- V. "Primary caretaker parent" means the parent in a two-parent family with two able-to-work parents whose primary role is to care for the children.
- W. "Principal-earner parent" means the parent in a two-parent family with two able-bodied parents whose primary role is breadwinner.
- X. "Reach First payment" means one or more cash payments to assist a family to gain self-sufficiency and avert the need for Reach Up financial assistance.
- Y. "Reach First services" means the services component of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible families to assist them in becoming self-sufficient.
- Z. "Reach Up services" means the services including assessment in Reach First, case management services, support services, and referrals provided to participating families to help them become self-sufficient.
- AA. "Relative" means a person related to a dependent child in any one of the following ways:
- A blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
 - A stepparent, stepbrother, stepsister;
 - An adoptive relative of corresponding degree, upon whom are conferred under Vermont law (15A V.S.A § 1-104) the same rights, duties and obligations as natural relatives; or
 - A spouse of an individual included in one of the above groups, whether or not the marriage has been terminated by death or divorce.
- AB. "Resources" means any income and property available from whatever source and as specifically defined in Reach Up eligibility (rules 2280).
- AC. "Secretary" means the secretary of the Agency of Human Services or his or her designee.
- AD. "Support services" means the services and referrals listed in and provided to eligible families according to Reach Up and Reach First rules.
- AE. "Temporary Assistance to Needy Families" (TANF) means the block grant provided to this state and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations promulgated pursuant thereto by the United States Secretary of Health and Human Services.
- AF. "Unable-to-work" means not able-to-work and not able-to-work-part-time.

Definitions

AG. “Work-eligible adult” means an adult in the applicant household who would have a work requirement if the family were receiving TANF-funded financial assistance.

AH. “Work activities” means the activities described at rule 2350

AI. “Work-ready” means an adult is not subject to a barrier and is capable of participating in a single work activity or combination of work activities for the number of hours needed to meet the work requirement.

Case Management

2302 Case Management (04/01/2008, 08-02)

The commissioner shall provide Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Using case management, the department will provide participating families with services, including assessment, information, referrals, and assistance in the preparation and implementation of a family development plan (FDP), with the goal of helping the family achieve self-sufficiency. Services may be delivered in the district office, the family's home, or community. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in Reach First.

2302.1 Caseload Size (07/01/2001, 00-22F)

To ensure quality of service, the department shall limit case managers caseload size in a manner that is consistent with research on best practices. A full-time Reach Up Program case manager whose duties do not include financial eligibility and benefit determination shall not, at any time, be responsible for more than 80 active cases. The maximum caseload for a case manager whose duties include financial eligibility and benefit determination shall be modified consistent with the mix of financial eligibility and benefit determination and case management responsibilities assigned. These caseload maximums apply to caseloads in which the families assigned to an individual case manager have varying needs for case management support—some high, some moderate, and some low.

2302.2 Notification (07/01/2001, 00-22)

At the time of application for financial assistance and at the time of any redetermination of eligibility, the commissioner will provide each Reach Up participating family with information about the requirement that adults participate in the services component of Reach Up. During the time a family is participating in the financial assistance component, the department shall keep adults informed of factors that affect their required participation in the services component.

The actual services component requirements adults must fulfill depend upon their participation status in the services component. The participation status is determined by the family composition, the capabilities and needs of the participant, and the participation phase to which the adult is assigned (rule 2322). The department shall notify all applicants and participants, in writing, of the following:

- the individuals participation status;
- a change in participation status;
- the rights and responsibilities associated with the participation status;
- the availability of deferments and modifications to the work requirement;
- the potential sanction for noncooperation;
- the right to request conciliation; and
- the right to a fair hearing for participants who do not agree with the status determination.

Case Management

2302.3 Assessment (07/01/2001, 00-22)

All participants shall cooperate in an initial assessment and, if appropriate or necessary, reassessments. The assessment may include tests, other standardized evaluations, and referrals to professionals for evaluation or diagnosis.

The assessment shall include, but is not limited to, the following:

- identification of the individuals skills, aptitudes, interests, and life and work experience;
- determination of whether the individual has limitations and barriers and, if there are barriers or limitations, a determination of how these factors relate to the individuals current or potential participation in the labor force and to the individuals family responsibilities;
- literacy evaluation;
- determination of the individuals ability to work, including the ability to participate in the various work activities; and
- determination of what services are needed to achieve the employment goal.

2302.4 Case Management Responsibilities (05/01/2014, 13-42)

Case management responsibilities in regard to a particular family may begin as early as the family's application for financial assistance (rule 2322.1) and continue until the family is no longer eligible for case management services. Case management responsibilities include, but are not limited to, the duties and tasks specified in rules 2322.4 and 2330.

Once the employment goal and plan of services and activities are incorporated into the FDP, the case manager shall have regular contact with the participant to ensure that the individual is meeting the services component requirements and is progressing in compliance with the plans and schedules included in the FDP.

In addition to the regular contact required above, the department shall conduct case reviews for a participating family when the family has received 18 and 36 cumulative months of assistance. The purpose of these case reviews shall be to assess whether the participating family:

- is in compliance with the FDP and/or work requirement;
- is properly claiming a deferment, if applicable; and
- has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the department or other state programs.

Support Services

2310 Support Services (07/01/2001, 00-22)

Support services are services needed by the family to improve the participants prospects for job placement and retention. The department shall determine the full range of support services needed by each family and include the service plan in the family development plan (FDP). Some support services are provided directly by the department, and others are provided by other entities (rule 2312). Under limited circumstances, the department may pay for services that the participant cannot obtain without cost from existing programs (rule 2314).

Support Services, Assessment, and the FDP

2311 Support Services, Assessment, and the FDP (05/01/2014, 13-42)

The department determines the support services needed by each family based upon the results of the assessments of the participants. Utilizing the assessment results, the case manager and the participant develop the FDP, including a schedule and plan of services that address the family's needs. Whenever the FDP is modified, the case manager shall reassess the family's needs for support services. The support services needed are those that are linked to the family members accomplishment of their FDP requirements (rule 2334) and their employment goal. Support services may be provided to applicants who are not yet receiving financial assistance and have received 60 or more countable, cumulative months of assistance during the two-week period of compliance with post-60-month FDP requirements (rules 2201, 2238.2). Support services may be provided for a period of six months after participants have begun to meet their full work requirement through unsubsidized work. Individuals may be eligible for services within this period, subject to program regulations, even if they no longer receive Reach Up financial assistance due to employment.

If the successful completion of the FDP requires a support service that is unavailable, the individual must cooperate with the case manager in developing an alternative FDP for which the necessary support services are available at a cost that does not exceed the limits established for the program.

Support services will be considered unavailable if:

- the service cannot be obtained within an hours commute of the participants residence; or
- the service is only available at a cost to the department, and the department does not provide funding for the service for reasons allowable under these rules.

The department does not guarantee:

- the availability of funds for the purchase of services or commodities; or
- the availability of services or commodities in the community at the price established to enable the program to serve all participants.

Support Services Providers

2312 Support Services Providers (07/01/2001, 00-22)

The department may provide support services directly, may refer participants to other programs for services, or may pay for services from other entities. The department shall refer participants to any existing programs that provide the needed services at no cost to the family or department. Under certain circumstances, the department may purchase services that are not available without cost, as long as the expenditure is within established spending limits.

Types of Support Services

2313 Types of Support Services (04/01/2008, 08-02)

Subject to fiscal limitations, the department shall provide or shall refer individuals to other providers for the following types of services, when needed by the participant to achieve the goals of the FDP.

- A. appropriate child care, available at times that will enable employment or participation in activities included in the participating family's FDP;
- B. transportation that will enable employment or participation in activities included in the participating family's FDP;
- C. career counseling, education, training, and job search assistance, consistent with the purposes of the Reach Up Program;
- D. vocational rehabilitation;
- E. medical and dental assistance;
- F. homelessness prevention and housing assistance;
- G. family planning education and counseling;
- H. assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the individuals capacity to engage in employment or other work activity; and
- I. services for teen parents through the teen parent education program established in cooperation with the Department of Education; and
- J. any other services identified in the FDP and determined by the commissioner to be necessary and appropriate to achieve the purposes of the Reach Up Program.

Payment for Support Services

2314 Payment for Support Services (07/01/2001, 00-22)

The departments payment for an authorized support service depends upon whether the service is available to the participant through another program and, if the other program does not provide the service at no cost, whether payment for the service is allowed by the department as established by the Reach Up Programs support services matrix. The matrix represents established annual maximum spending limits for specified support services items. Limitations on payments for support services expressed in this section of policy are in reference to the departments support services matrix. Before the department will pay for the services, participants must pursue the services or funding for the services from other programs that offer access to the service.

2314.1 Payment by Other Programs (04/01/2008, 08-02)

The department will not pay for or supplement the payment for a service or expense available through other Agency of Human Services (AHS) programs unless otherwise stated in this policy. A Reach Up participant eligible for a needed support service available through another program must first seek the service through that other program.

Participants covered by Medicaid, the Vermont Health Access Plan (VHAP), health insurance, or health care assistance through any other providers shall obtain medical assistance through these programs. Most child care assistance shall be provided through the Child Development Division child care subsidy program (rule 2316).

2314.2 Payment by DCF (04/01/2008, 08-02)

Subject to maximum amounts established per participant, the department may pay for support services that the family needs but cannot access through any other program. When the department pays for the support service, it may issue the payment to the participant or to the provider of the service. The Reach Up case manager will determine the appropriate method of payment. Reach Up participants shall be required to provide written documentation of their receipt of a support service and its cost. Authorization for payment of the service shall be contingent on the departments receipt of the documentation.

The department shall not provide Reach Up participants with medical services, including dental services, using TANF funds.

Criteria for Purchase of Support Services

2315 Criteria for Purchase of Support Services (03/01/2017, 17-02)

The departments funding for the purchase of support services is limited by the type of service and the circumstances related to the need for the service. Within the limits established in the support services matrix, the department may pay for specific services, subject to the following conditions.

A. Child Care

Child care assistance is generally provided by the child care subsidy program of the department's Child Development Division (CDD) (rule 2316), but ESD may pay for child care in the situations specified in rule 2316.3.

B. Transportation and Related Costs

The department may reimburse Reach Up participants for travel to and from a countable work activity or other FDP-approved activity directly related to attainment of the employment goal as long as the participant is not paid subsidized or unsubsidized wages for engaging in the activity. Such reimbursements are subject to a maximum amount per participant over an established time period. Reimbursement for mileage does not require documentation of its cost.

When no other alternative is available, a participant may be authorized to use the Medicaid transportation system on a temporary basis to enable the individual to travel to and from an approved activity.

The department may reimburse participants for transportation to and from a wage-paying work activity or job when all of the following conditions are met:

- The participant has no other means of paying for such transportation.
- Without such reimbursement, the participant would be unable to retain the job or wage-paying work activity.
- During the past month, the participant has documented the use of an amount equal to the amount deducted or disregarded from earnings in the calculation of the family's assistance grant to pay for employment expenses and one or more extraordinary nonrecurring expense incurred due to circumstances beyond the participant's control.
- Such reimbursement is for a period of no more than two weeks.
- The recipient has not already received such reimbursement during the current state fiscal year.

The department may also reimburse participants for travel to and from a wage-paying work activity or job until they receive their first paycheck.

When a participant must use or plan to use a personal vehicle belonging to the participant or a member of the participants immediate family to get to an FDP activity or to employment, the department may authorize payment of the following expenses related to the participant and the personal vehicle: a drivers license, required vehicle insurance, vehicle registration, and repairs necessary to make the vehicle operable and pass inspection.

Out-of-state travel shall be authorized only for approved program activities that take place out of state or for out-of-state job interviews. Such authorizations are subject to established maximum amounts.

C. Education and Training Expenses

When a participant has been determined eligible for financial aid from the Vermont Student

Criteria for Purchase of Support Services

Assistance Corporation and can demonstrate the ability to cover tuition costs, the department may authorize payment for books and supplies needed to participate in one or more of the following activities:

- vocational education;
- job skills training;
- basic education directly related to employment; or
- for parents considering pursuit of a two- or four-year postsecondary degree, a “try-out” course included in the participant’s FDP.

In addition, the department may authorize payment of registration, lab, testing, and other mandatory fees.

Within spending limits, the department may authorize payment for some or all of the tuition for the activities specified above when one or both of the following conditions are met:

- The payment requested is for tuition in excess of financial aid limits on nondegree tuition (e.g., tuition for a commercial drivers license).
- Financial aid for nondegree tuition has been exhausted.

Authorization of payment for tuition in any other situation shall be authorized only when no employment goal can be pursued without the need for tuition and only with the approval of the Welfare-to-Work Programs Director or designee.

D. Work-Related Equipment

The department may authorize payment up to established maximum amounts for equipment necessary for an individual to accept or continue employment.

E. Clothing

Subject to maximum amounts, the department may authorize the purchase of clothing necessary for a job interview and uniforms, work shoes, or other wearing apparel specifically required for employment. In addition, payment for haircuts and styling may be authorized for the same reasons and with the same limitation as to maximum amounts.

F. Relocation Costs

The department may authorize payment of relocation costs only when a Reach Up participant makes a permanent move necessary for the individual to participate in an FDP activity or to accept or continue employment. Relocation costs are limited to costs attributable to rental of a motor vehicle and related equipment needed to move household furnishings and equipment and other personal effects. If an alternative relocation method costs no more than the rental of a motor vehicle and related equipment, as described above, the alternative method may be authorized.

G. Temporary Housing

The department may authorize payment for temporary housing when it is necessary to enable a Reach Up participant to accomplish the following:

- participate in an FDP activity;
- attend a job interview at a great distance from the participant's residence; or
- search for permanent housing when a permanent move is necessary for the individual to

Criteria for Purchase of Support Services

participate in an FDP activity or accept or continue employment.

Only the Welfare-to-Work Programs Director or the directors designee may authorize temporary housing, and such authorization is subject to maximum amounts.

H. Other Support Services

Authorization of payment for support services not specified above requires the approval of the Welfare-to-Work Programs Director or the directors designee on a case-by-case basis.

Child Care Assistance

2316 Child Care Assistance (07/01/2001, 00-22)

Child care assistance is available through the child care subsidy program of the Child Development Division (CDD). After determining that a participant qualifies for the service, the Reach Up case manager shall refer the participant to the local child care subsidy specialist for assistance.

Participants eligible for child care services (rule 2316.1) may choose either a regulated or a legally exempt child care provider who meets the requirements of the CDD subsidy program. Participants who need assistance in identifying available child care providers or need information or counseling that will assist them in making an informed choice among available child care providers shall be referred to the local child care referral specialist.

2316.1 Basic Eligibility Criteria (07/01/2001, 00-22)

Adults who are participating in FDP activities, employed, or self-employed are eligible for child care assistance, subject to all of the following conditions.

- A. The child care is necessary to enable a participant to accept or retain employment or self-employment, or participate in an approved Reach Up activity and neither parent is available and able to provide the necessary care. Child care benefits are not allowed for child care required by unpaid volunteer work unless such volunteer work is related to the individual's employment goal and is an approved program activity included in the FDP.
- B. The hours for which child care assistance is requested are reasonably related to a participant's hours of employment or self-employment, or to an approved Reach Up activity. In two-parent families where the parents are not sharing the work requirement, the hours of child care requested by the primary caretaker parent shall be limited to no more than 12 cumulative months, unless the primary caretaker parent is participating in approved activities leading to an employment goal.
- C. The participating family makes its need for child care assistance known to ESD or CDD and provides information about its income, the child requiring care, and the provider of care.
- D. The child requiring care is a member of the Reach Up financial assistance group or a child who is not a member of the group solely because of receiving SSI/AABD or foster care benefits under Title IV-E.
- E. The child requiring care fits within one of the following groups:
 - under the age of 13;
 - at least 13 but under the age of 19, eligible for special education services in accordance with an individualized education plan (IEP) or 504 plan, and not capable of providing safe self-care as verified by the written report of a physician or licensed psychologist;
 - at least 13 but under the age of 19 with a documented physical, emotional, or behavioral condition that precludes the child from providing self-care or being left unsupervised, as verified by the written report of a physician or licensed psychologist; or
 - at least 13 but under the age of 19 and under court supervision.
- F. The provider of care is:
 - licensed, registered, or certified legally exempt by CDD;

Child Care Assistance

- exempt from licensing or registration regulation under 33 VSA § 3502 (b);
 - a town or school summer youth recreation program with hours that enable the child's parent or other caretaker to engage in FDP activities;
 - awaiting legally exempt child care (LECC) certification from CDD; or
 - licensed, registered, or exempt under the law of the jurisdiction in which the child care is provided, if the provider is not located in Vermont.
- G. The child care provided takes into account the individual needs of the child and is appropriate to the age and special needs of the child, and the location of care is reasonably accessible to the child's home or school or the participants place of employment or training.

2316.2 Allowable Child Care Expenses (07/01/2001, 00-22)

Child care assistance is allowable in the following circumstances.

- A. For a participant waiting to begin employment, self-employment, or an approved Reach Up activity, child care assistance may begin up to two weeks before the employment or Reach Up activity begins. If necessary to secure a child's slot in a child care facility, child care assistance may begin up to 30 days before the employment or Reach Up activity begins.
- B. Child care assistance may continue for up to 30 days after the end of a Reach Up activity when necessary to maintain a child's slot in a child care facility and the participant is scheduled to begin another activity within that period.

If a participant is employed and is temporarily laid off, care may continue for up to 30 days if the participant is expected to resume employment or begin participation in an approved Reach Up activity during the 30-day period.

- C. During the 12-month period immediately following a self-employed participants work-ready date, the case manager shall approve child care hours sufficient to cover the participants applicable work requirement plus the hours needed to engage in any additional required FDP activities, including the travel time to and from such activities. After that 12-month period, the availability of child care for a self-employed participant shall be determined in accordance with CDD child care regulations.

2316.3 Payment Rate (05/08/2018, 17-20)

The payment rate for allowable child care expenses shall be set by CDD.

CDD will pay the child care provider except in the following situations, where ESD will pay the provider:

- If CDD denies an application for legally exempt child care (LECC) certification filed by a participant's provider, ESD will pay the expenses for up to three weeks of child care furnished by that provider during the period that CDD was considering the provider's application for LECC certification.
- For short-term, sporadic, or generally nonrecurring Reach Up activities, including assessment, job readiness activities, or job search, ESD will pay \$10 a day per child for child care for children under 13, limited to 20 days of care per provider. These \$10 per day payments will be made only to providers who are ineligible for child care reimbursement

Child Care Assistance

from CDD. For payment of additional days of care, the provider may apply to CDD for LECC status.

This allowance for child care may cover children 13 and older if the child meets the basic eligibility criteria at rule 2316.1 for children of that age, the allowance is approved by the Reach Up supervisor, and the need is documented in the file.

- When the hours enable the adult to participate in an FDP activity, ESD may pay up to \$200 per child taking part in town or school summer youth recreation programs for six to eight weeks. ESD will provide payment for these types of summer camps only.

Incentive Payments

2317 Incentive Payments (04/01/2008, 08-02)

The department shall provide incentive payments to participating families for successfully completing activities or tasks required by their FDPs. These activities and tasks must be linked to the achievement of a goal in the parent's family development plan.

Successful completion will be defined by the case manager or the agency or organization sponsoring the activity with approval by the case manager.

2317.1 Payment of Incentives (04/01/2008, 08-02)

Subject to maximum amounts established per participant, the department shall provide incentive payments as established by the Reach Up Program's incentive payment matrix. Incentives may vary depending on the length of time involved and the level of difficulty the completed activity represents for the participant. The specific amount of the incentive shall be at the discretion of the case manager based on the definition of the goal in the FDP.

Participation

2320 Participation (07/01/2001, 00-22)

Participation in the services component is mandatory for all adults who are applicants for or participants in the financial assistance component. Required participation in the services component begins with the application for financial assistance and continues until the adult is no longer participating in the financial assistance component. Participation in the services component is a progression defined by the components participation phases (rule 2322).

As long as they participate in the financial assistance component, all adults, including minor parents, are subject to the services component requirements. Participants who fail to comply with these requirements without good cause (rule 2363) shall be subject to fiscal sanction (rule 2370) in the form of a reduction of the family's financial assistance grant.

Youth 16 or 17 years old who are not attending school full-time are also required to participate in the services component (rule 2337).

Participation Requirements

2321 Participation Requirements (07/01/2001, 00-22)

All service component requirements must be specified in the family development plan (rule 2330). Generally, these requirements include, but are not limited to, reporting and cooperation requirements (rule 2335.1), family development plan requirements (rule 2334), and work requirements (rule 2340). Services component requirements will vary depending on the individuals abilities and needs, but all adult participants with a work requirement must engage in work activities (rule 2350) as soon as they can. Early participation in work activities is essential to the accomplishment of these program objectives:

- providing families with the opportunities and skills necessary to reduce or end their dependence on Reach Up financial assistance through work;
- preserving the programs federal funding at current levels by ensuring Vermont's compliance with the federal work participation rates; and
- limiting the amount of future state funding required to provide assistance to families beyond the 60-month limitation on each family's receipt of federal TANF assistance.

Participation Phases

2322 Participation Phases (05/01/2014, 13-42)

Adults move toward work and independence from financial assistance by progressing through the phases of the services component. There are four phases of the component: the application phase, the pre-work- ready phase, the work-ready phase, and the employment phase.

Participation in each of the second and third phases is limited to 12 cumulative months for each adult during a lifetime (rule 2322.5). Not all adults will spend 12 months in each of these phases, however; many will spend only a short time in them, and some will skip the work-ready phase. The time it takes to progress through the pre-work-ready phase and the work-ready phase will vary depending on the participants needs, abilities, and employment goal. Any full calendar month for which an adult receives Reach Up financial assistance is counted toward the 12-month limit for the phase to which the adult is assigned as of the first day of the month, even if the work requirement is deferred or modified.

2322.1 Application Phase (05/08/2018, 17-20)

Applicants begin their participation in the Reach Up Program's services component when they submit their application for Reach Up financial assistance. All adults in the applicant household must complete an initial FDP agreeing to meet with the case manager at a scheduled time directly after being found eligible for Reach Up financial assistance (rules 2201, 2330). Applicants who have received 60 or more countable, cumulative months of assistance will be required to fully comply with post-60-month requirements for a period of two consecutive weeks or, in the case of applicants claiming a deferment, supply verification of and meet the criteria for the deferment. As soon as applicants begin participating in the financial assistance component, they must proceed to the pre-work-ready phase of the program.

2322.2 Pre-Work-Ready Phase (05/08/2018, 17-20)

During the pre-work-ready phase, adult participants receiving Reach Up financial assistance must meet with their case manager to begin the assessment process, set an employment goal, and develop their FDP. No later than 30 days following the participants first meeting with the case manager, these planning activities must be completed to a degree that allows appropriate assignment to a participation phase according to the criteria in rule 2322.5. In the case of participants previously assigned to a later phase, these planning activities will start with a review of the participants previous assessment, employment goal, and FDP.

The following participants will be expected to begin meeting their work requirement as soon as they have their first meeting with the case manager:

- principal-earner parents;
- parents choosing to share the work requirement; and
- participants previously assigned to the work-ready phase or the employment phase during a prior period of receipt of financial assistance.
- participants who have received 60 or more countable, cumulative months of assistance, unless deferred from their work requirement.

All other participants shall be expected to participate in countable work activities consistent with the employment goal to the extent they are capable prior to assignment to a participation phase.

Participation Phases

Following assignment to the pre-work-ready phase, participants shall engage in FDP-approved activities designed to increase the number of hours they can participate in countable work activities. During this phase, they shall engage in countable work activities to the extent they can. As appropriate, case managers shall refer pre-work-ready participants to vocational rehabilitation or other service providers to address their limitations and barriers.

The participant who has increased participation in countable work activities during the pre-work-ready phase to the extent that the work requirement is met shall move to the work-ready phase immediately. Unless granted an extension (rule 2341.4), any adult participant who has not advanced to the work-ready phase after having received 12 cumulative calendar months of financial assistance (rule 2322.5) shall be work-ready on the first day of the 13th cumulative month they receive assistance. At that time the participant must move to the work-ready phase.

2322.3 Work-Ready Phase (07/01/2001, 00-22)

Adult participants in the work-ready phase must meet their full work requirement in countable work activities unless they have been granted a modification of or deferment from the work requirement. During this phase, all participants engage in the activities that provide the most expeditious route to attainment of their employment goal. Under no circumstances may participants spend more than 12 full cumulative calendar months in this phase (rule 2322.5).

After completing the activities leading to the employment goal or reaching the 12-month limit for the work-ready phase, participants move to the employment phase, in which they must seek and obtain unsubsidized employment (rule 2343).

2322.4 Employment Phase (02/01/2009, 08-10)

Participants shall meet the work requirement through employment when they have completed all required FDP activities leading to their employment goal or received 24 months of financial assistance, whichever comes first. Participants in the employment phase must seek unsubsidized employment that meets their work requirement.

Participants in the employment phase must accept any unsubsidized job offered unless they qualify for one of the limited exceptions in rule 2343.4.

After the required period of intensive job search (rule 2350.2), the case manager shall place those unable to obtain unsubsidized employment in subsidized work, a community service placement, or any other activity that will enhance the participant's employability and that, in combination with any unsubsidized work, meets the work requirement. All participants not meeting their work requirement solely with unsubsidized employment shall be expected to continue to seek unsubsidized employment while in other activities.

2322.5 Assignment to a Phase (07/01/2001, 00-22)

After the family has been approved for participation in the Reach Up financial assistance component, the adults move to the pre-work-ready phase for assessment and development of an employment goal. Next, the case manager must assign the adult to the appropriate participation phase in according to the following criteria:

Participation Phases

- Participants capable of pursuing their employment goal without engaging in countable work activities other than job search and unsubsidized employment shall move to the employment phase and seek unsubsidized employment that meets their work requirement immediately.
- Participants for whom all three of the following conditions are true shall set an employment goal they can attain with their existing qualifications, move to the employment phase, and seek unsubsidized employment that meets their work requirement immediately:
 1. They have no barriers.
 2. They have a certification, license, or particularized work experience or skills that would qualify them for a position paying gross wages equal to or in excess of 150 percent of the federal poverty level for their family size.
 3. The position in (2.) exists in the current job market within an hours commute of home.
- Participants who can meet their work requirement with countable work activities but whose FDP requires them to engage in activities designed to prepare them for attainment of their employment goal shall proceed to the work-ready phase. During this phase, they will meet their work requirement by engaging in countable work activities included in their FDP.
- Participants who have limitations or barriers that bar them from meeting their work requirement with approved work activities shall remain in the pre-work-ready phase to engage in approved activities that help them move toward being work-ready. Principal-earner parents and parents sharing the work requirement, however, shall not be assigned to the pre-work-ready phase.
- Notwithstanding the assignment conditions specified above, participants previously assigned to the work-ready or employment phase shall return to their last assigned phase and cannot be assigned to a prior phase. Any limitations or barriers that now bar such participants from meeting their work requirement with approved work activities may be considered possible grounds for deferment or modification of the work requirement.

2322.6 Months of Financial Assistance (07/01/2001, 00-22)

The department shall calculate the number of months a participant has spent in the pre-work-ready phase or the work-ready phase according to the following rules.

- A. The count of cumulative months of Reach Up financial assistance receipt begins no earlier than the first full month the participant receives Reach Up financial assistance.
- B. Only full months of receipt of Reach Up financial assistance are counted.
- C. Months of assistance received prior to July 1, 2001, are not counted unless the participant received Aid to Needy Families (ANFC) during the Welfare Restructuring Demonstration Project (WRP) period (July 1, 1994, through June 30, 2001) and has a work-ready date established in accordance with department rules stated in rule 2341.5.

Family Development Plans

2330 Family Development Plans (02/04/2012, 11-04)

Every participating family must have a family development plan (FDP). The FDP charts and documents each family's participation in the Reach Up services component (rule 2320). The FDP sets forth each adult participant's employment goal (rule 2331), the plan and schedule of activities the participant must engage in to attain the goal, and the specific FDP requirements the participant must fulfill to avoid sanctions.

Development of the FDP begins when a family applies for Reach Up financial assistance (rule 2201B). A second parent who joins a participating family and requests assistance shall develop an initial FDP while a decision on eligibility is pending, as a condition of his or her eligibility and continuing eligibility for the rest of the assistance group. At application or when a second parent joins the household, the adult members must meet the requirements of rule 2322.1.

Within 30 days of the first meeting between the participant and the case manager, the family's FDP shall include the following:

- employment goal of each adult participant;
- an assessment (rule 2302.3) of each adult participant's strengths and whether the participant has any limitations or barriers to employment, including a literacy evaluation followed by referral to an appropriate resource or program, if needed;
- an evaluation of the participant's current ability to participate in work activities;
- an identification of the services, supports, and accommodations needed to overcome any limitations or barriers and move the family toward self-sufficiency and to enable each adult participant to fulfill personal and family responsibilities, consistent with the goals of the Reach Up program; and
- assignment of responsibilities among the case manager and family members with respect to the activities the participant must engage in that constitute the FDP (rule 2334) and work requirements (rule 2340), together with a time schedule for fulfillment of these responsibilities and requirements.
- definition of goals for successful completion of required activities or tasks relative to incentive payments (rule 2317).
- an agreement authorizing the department's recovery of Reach Up from SSI retroactive payments for each Reach Up family member who applies for SSI or is pending a decision on an SSI application. Any family whose Reach Up is funded with state funds will reimburse the department according to the specifications in rule 2391.4.

Employment Goal

2331 Employment Goal (04/01/2008, 08-02)

Every participant must establish an employment goal. The employment goal is an essential element of the FDP. All FDP requirements, the individual's plan, and the individual's schedule of activities must be related to this goal. At first, the employment goal may be nothing more than obtaining an unsubsidized job in the participant's geographic area. Later, the participant, with the assistance of the case manager, may refine the employment goal to specify a particular occupational field with current job openings in the geographic areas where the participant is willing to work. In refining the employment goal, the participant and the case manager must consider the participant's assessment, work experience, education, strengths and abilities, limitations and barriers, interests, and any other factors affecting attainment of the employment goal.

The employment goal and the plan for attaining it must be reasonable. A participant's employment goal is reasonable if that participant can complete all required activities leading to the goal within the work-ready phase, which is limited to no more than 12 months. A plan that a participant cannot complete within the work-ready phase shall not be approved. Because months during which a participant is granted a deferment from or modification to the work requirement count toward the 12-month limit on the work-ready phase, the participant and the case manager shall review the employment goal whenever a modification or deferment is granted and modify it, if necessary. Participants with options for how they may attain the employment goal shall pursue the course that provides the most expeditious route to the goal.

If the participant and case manager cannot agree on the employment goal or the plan for reaching the goal, the case manager's supervisor shall review the plan and make every effort to resolve the issues by consensus. If the case manager and participant cannot reach agreement, the supervisor shall make the final determination.

Development of the FDP

2332 Development of the FDP (07/01/2001, 00-22)

The case manager, with the full involvement of the participating family, shall develop the FDP. Development of the FDP is an ongoing process. Participants are required to engage in approved activities as they become available, are scheduled, and are included in their FDP. Within 30 days of the first meeting between the participant and the case manager, the participants FDP shall include the employment goal and the results of the assessment.

In developing the FDP, the case manager and the participant should be guided by the participants expected progress through the program phases toward attainment of the employment goal. The plan and schedule of approved activities, including work activities, must provide the most expeditious route to attainment of the employment goal within the time frames limiting each program phase. If a participant has any known limitations or barriers to achieving the employment goal, they must be identified and addressed in the FDP with a plan and schedule of activities and services.

INTERPRETIVE MEMO

Reach Up Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2333 **Effective date of this memo** 7/1/2018 **Page** 1 of 1

This memo: **is new** **Replaces one dated** _____

Act 109 of 2018 amended 33 V.S.A. § 1107(a) to eliminate the requirement for mandatory case reviews when a family reaches 18 and 36 months of enrollment in the Reach Up program.

FDP Reviews and Modifications

2333 FDP Reviews and Modifications (05/01/2014, 13-42)

The case manager shall establish a schedule for review of the FDP that includes a personal contact with the participant at least once per month to review the FDP and, if necessary, to modify the plan. The personal contact with the participant may be made by the case manager or, when it is in the best interest of the participant, by the case manager's designee.

In addition to regularly scheduled reviews of the FDP, the case manager shall review and, if necessary, modify the plan in the following circumstances:

- Services required by the FDP are unavailable.
- The participant is nearing the end of the pre-work-ready phase. The case manager shall review the FDP at least 30 days before the end of the phase.
- A deferment or modification of the work requirement has been requested.
- A deferment or modification is scheduled to end within 60 days. The case manager shall review the FDP no fewer than 30 days before the deferment or modification expires.
- The participant has started an unsubsidized or subsidized job. The case manager shall review the FDP within 30 days of the date the participant started the job.
- The participant has lost unsubsidized or subsidized employment.
- The participant is nearing the date set for attaining the employment goal. The case manager shall review the FDP at least 30 days prior to that date.
- Changes to the FDP are needed to protect the well-being of the children.
- The participant is not making satisfactory progress in achieving the goals of the plan, or it becomes apparent that the participant cannot achieve them in the time allowed.
- A family member has failed to comply with an FDP requirement or a work requirement.
- A change of circumstances requires an eligibility review.
- A second parent joins or leaves a household.

When there are indications that a participant's failure to comply with program requirements or make satisfactory progress toward the goals of the plan may be due to a previously unidentified barrier, the case manager shall reassess the participant for barriers and make appropriate referrals, if there is an indicated need.

Case managers' supervisors shall conduct routine reviews of FDPs to ensure quality of service. Case managers' supervisors shall also review the FDP whenever they have notice that there may be issues of noncompliance or quality of service. After the review, the supervisor shall modify the FDP, if necessary. In addition to the reviews required above, the department shall review FDPs when a participant has received 18 and 36 months of cumulative assistance pursuant to rule 2302.4

FDP Requirements

2334 FDP Requirements (05/01/2014, 13-42)

The case manager shall approve an activity and include participation in the activity as a requirement specified in the family development plan (FDP) when such participation is a necessary part of the plan leading to the most expeditious attainment of the participants employment goal. FDP requirements shall include the work activities a work-ready participant must engage in to fulfill the work requirement (rule 2340) and the unsubsidized work a participant must engage in to fulfill the work requirement when that participant has finished the activities leading to the employment goal.

The case manager shall approve activities on an individual basis. If a participant can perform work activities appropriately related to the employment goal, the case manager shall approve and include such participation as an FDP requirement, even if the participant is not work-ready and the hours of participation are fewer than those of the participants work requirement. Before participants are work-ready they must engage in work activities for as many hours as they can. During the pre-work-ready phase, the number of hours participants must engage in work activities shall continue to increase consistent with their capabilities until they are work-ready and meeting their work requirement.

The FDP requirements for a participant who has received 60 or more countable, cumulative months of assistance shall include participation in a community service program or employment for the number of hours necessary to fulfill the work requirement, unless deferred. If a participant cannot fulfill his or her work requirement entirely in a community service program due to FLSA restrictions or through employment due to the work schedule, the FDP shall include any other acceptable work activities necessary to fulfill the work requirement.

INTERPRETIVE MEMO

Reach Up Services Rule Interpretation **Reach Up Services Procedure Interpretation**

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2335 **Date of this Memo** 03/01/2010 **Page** 1 of 1

This Memo: is New Replaces one dated _____

UPDATE:

The rule at 2335.1 requires that specified adults (mandatory reporters) must report to the Department of Labor (DOL) for job search within two working days of having filed an application for Reach Up financial assistance.

For the purposes of this rule, the two working days within which an adult must report to DOL shall be the two working days following an eligibility interview when the ESD worker determines and advises the applicant of the mandatory reporter status and reporting requirement.

Adult Participants

2335 Adult Participants (05/08/2018, 17-20)

The following requirements apply to every participating adult, including minor parents (rule 2336), unless an exception is noted.

- Each adult shall participate in the development of the FDP.
- Each adult shall report as directed by the case manager for assessment and evaluation activities.
- Each participating adult shall begin to comply with the FDP requirements as soon as the requirement is included in the FDP and available.
- Adults shall engage in their FDP activities for the number of hours per week that the activities are scheduled and available, unless good cause (rule 2363) exists for not doing so.
- When required by the case manager, the participant shall provide written verification from the service provider or project supervisor of attendance and participation in any FDP activity. The frequency of the verification will depend upon the intensity and duration of the activity. A case manager shall assist a participant having difficulty obtaining verification from the service provider at the participant's request.
- Each adult shall continue to comply with the FDP requirements.
- Adult participants who apply for SSI for themselves or apply for SSI on behalf of a child in their care, or who are pending a decision on an SSI application, shall have an FDP requirement of completing an agreement authorizing the department's recovery of Reach Up funded with state funds from SSI retroactive payments, according to the specifications in rule 2391.4.

2335.1 Primary Caretaker Parents (05/08/2018, 17-20)

Primary caretaker parents not sharing a work requirement must meet with the case manager for assessment, to develop their FDP, and to establish an employment goal. As long as the principal-earner parent fulfills the work requirement, the primary caretaker parent is not required to pursue an employment goal or fulfill the work requirement. The FDP of a primary

caretaker parent shall, however, include requirements to participate in activities essential to the principal-earner parents fulfillment of the work requirement.

Subject to program rules and limitations, the department will provide support services to primary caretaker parents who elect to engage in any of the following FDP activities:

- parenting classes or activities designed to address an identified parenting need;
- pursuit of a secondary education diploma or participation in a recognized equivalent program;
- substance abuse, mental health, or domestic abuse counseling; and
- pursuit of an employment goal within the program time limits (rule 2322).

Minor Parents

2336 Minor Parents (05/08/2018, 17-20)

A minor parent is an individual under age 18 who is a parent or pregnant individual. Regardless of their school attendance, dependent status, age, the age of their youngest child, or participation in a supervised living arrangement, all minor parents must participate in their FDP activities at all times. The minor parent's FDP shall include all the following requirements applicable to the minor parent's circumstances.

- Principal earners who are minor parents may be required to report to a local community-based organization (CBO) for case management services. The department may waive this reporting requirement if the principal earner has good cause for noncompliance. The department may also waive the requirement if either the department or the CBO is unable to comply with the requirement.
- The minor parent shall take part in case-managed support, education, and training activities.
- The minor parent shall attend school or an appropriate alternative education or training program.
- If the minor parent is not emancipated in accordance with 12 V. S. A. §7151, the minor parent and the dependent children in the minor parents care must reside with a parent or in an approved living arrangement.

2336.1 Approved Living Arrangement (07/01/2001, 00-22)

For purposes of this section, the following definitions apply:

- Adult relative means an individual age 25 or older who is related to the minor parent. Paternal grandparents of the dependent child are considered adult relatives, if paternity is established.
- Approved living arrangement means a setting with a parent or relative at least 25 years old who provides supervision on a full-time or part-time basis as approved by a case manager and includes, at a minimum, safe, adequate shelter, the opportunity and encouragement for the minor parent to learn independent living skills and parenting skills through experience, and strong support to help the minor parent meet the goals of the Reach Up family development plan. Approved living arrangements also include group homes for pregnant and parenting teenagers, licensed foster homes, and ESD-approved congregate housing with an adult residing in one of the living units. A parental home that the minor parent considers unacceptable shall not be considered an approved living arrangement.

If the minor parent is not residing in an approved living arrangement as defined above, the case manager and minor parent shall jointly determine whether any such living arrangement is available and appropriate. The home of a parent or legal guardian shall be the first option explored by the case manager and minor parent. If either the case manager or minor parent does not agree that a parental home is available and appropriate, they shall seek an alternative approved living arrangement.

If the minor parent is participating in an approved substance abuse treatment program or a vocational or educational program that would no longer be geographically available if the minor parent returned to the parent or legal guardian's home, the case manager shall help the minor parent find an alternative living arrangement.

Minor Parents

When, during an eligibility determination process or review of eligibility, the minor parent states that living in the parental home is unacceptable, the minor parent shall not be asked to explain the reasons behind this assessment. After a decision on the minor parent's living arrangement has been made, however, the relationship between the minor parent and the parent may be subsequently explored within the context of providing case work services to the minor parent.

2336.2 Other Approved Living Arrangements (07/01/2001, 00-22)

If none of the approved living arrangement options can be agreed upon by the case manager and minor parent, the following options for meeting the requirement shall be explored:

- placement in an ESD-approved transitional housing situation; or
- a placement with a nonrelative at least 25 years old who, in the judgment of the case manager, can act in a parental role in relationship to the minor parent.

If the case manager and minor parent have been unable to develop an agreed-upon living arrangement as described above, the operations chief or designee shall review the case circumstances, determine whether an appropriate living arrangement is available, and, if so, require the minor parent to live in that arrangement. If there is none available, the operations chief or designee shall determine whether a designated nonresident adult may provide regular support and guidance in an independent living arrangement. If there is no such adult, the minor parent is exempt because no appropriate living arrangement is available.

2336.3 Noncompliance with Approved Living Arrangement (07/01/2001, 00-22)

If the minor parent is not exempt and does not reside in a living arrangement specified by the operations chief or designee, the family's Reach Up financial assistance grant shall be subject to financial sanction (rule 2370) for failure to comply with the FDP requirement.

The following circumstances constitute good cause for a parent under 18 to be exempt from the living arrangements requirement and permitted to live independently:

- Parents aged 17 have lived apart from their own parents, legal guardian, or adult relative and have been independently self-supporting for a period of at least six months before either the birth of their dependent child or their application for Reach Up financial assistance.
- Minor parents reside with their child's other parent, and both parents are age 16 or older.
- The operations chief or designee determines that no appropriate living arrangement is available.

Minor parents not living in an approved living arrangement at the time of application who do not have good cause for living independently may be granted Reach Up financial assistance for 30 days if all other eligibility factors are met. Similarly, minor parents who leave an approved living arrangement with good cause, as described below, shall have up to 30 days from the date they left to move into another approved living arrangement.

In either case, this 30-day grace period may be extended an additional 30 days if the operations chief or designee, based on the case manager's recommendation, believes that a good faith effort is being made to find a suitable living arrangement and the additional time is needed to locate appropriate housing.

Minor Parents

If the minor parent is not living in an approved living arrangement at the end of the grace period, is not exempt, and is not cooperating with the case manager, the family's financial assistance grant shall be subject to fiscal sanctions (rule 2360).

The following reasons constitute good cause for a minor parent to leave an approved living arrangement:

- The supervising adult or organization is no longer willing or able to provide the living arrangement.
- The minor parent alleges that the living arrangement is unacceptable because of abuse or neglect of the minor parent or her child.
- The minor parent and the case manager agree that her current living arrangement is no longer needed or appropriate, and no other suitable option is immediately available.

Out-Of-School Youth

2337 Out-of-School Youth (7/1/2015, 15-08)

Out-of-school youth may also be referred to as “mandatory youth.” A 16- or 17-year-old dependent youth in a participating family who is not a full-time student must participate in the services component of the Reach Up Program. Within 10 calendar days of a case manager's determination that the youth must participate, the youth shall meet with the case manager for assessment and development of an FDP. The 10-day time frame may be exceeded only if the case manager cannot meet this time requirement or the youth can demonstrate good cause (rule 2360) 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 the FDP, such as education, training, or work experience. Out-of-school youth are not subject to the work requirement (rule 2340) or the restrictions on participation in work activities specified in rules 2350-2350.11. However, participation in the job search component shall be limited, as specified in rule 2350.6.

When an out-of-school youth fails to comply with FDP requirements without good cause, the department shall consider the youth either ineligible for the Reach Up Program or eligible but subject to fiscal sanctions. Youths who are the only eligible members of their Reach Up financial assistance groups must be considered ineligible, and the family's financial assistance grant is terminated.

For situations in which youths are eligible but subject to fiscal sanctions, the department shall remove the needs of the sanctioned youth from the determination of total needs and count the income and resources of the youth in the determination of the family's eligibility and benefit level. The sanctions shall continue until the youth cures the sanctions using the process set forth for adults in rules 2377.

This section applies equally to both youth in families who have received 60 or more countable, cumulative months of assistance and to those in families who have received less than 60 countable, cumulative months of assistance.

Work Requirements

2340 Work Requirements (04/01/2008, 08-02)

All participating adults shall be required to fulfill their work requirement, unless deferred, when they are work-ready in accordance with these rules. The number of hours the participant must work or engage in one or more work activities depends on the configuration of the family (rule 2343). When participants are determined work-ready and must begin to fulfill a work requirement usually depends on their ability to engage in work activities, limited by the length of time that they have received Reach Up financial assistance.

To fulfill their work requirement, participants must engage in the work activities (rule 2350) approved by their case manager. Work-ready participants must engage in work activities consistent with their highest level of capability. Participants who have completed the activities leading to attainment of their employment goal (rule 2332) must fulfill their work requirement in unsubsidized work.

Work-ready participants and participants who have completed all approved FDP activities leading to their employment goal shall fulfill their work requirement, unless deferred, in accordance with the requirements of this section to avoid fiscal sanctions (rule 2370).

Work-Ready Determination

2341 Work-Ready Determination (05/01/2014, 13-42)

The determination that participants are work-ready occurs at different times, depending on the following rules.

2341.1 When Determined Eligible (05/01/2014, 13-42)

Principal-earner parents, parents sharing the work requirement, adults assigned to the work-ready phase or employment phase at the end of a past period of participation in Reach Up, and participants who have received 60 or more countable, cumulative months of assistance, unless deferred from their work requirement for one of the reasons listed in 33 VSA § 1114, must begin fulfilling their work requirement as soon as they meet with their case manager for the first time.

2341.2 During the First 12 Months (05/01/2014, 13-42)

During the first 12 cumulative months of participation in Reach Ups financial assistance component, participants not already determined work-ready and not subject to any barriers are determined work-ready as soon as they are capable of participating in a single countable work activity or any combination of countable work activities sufficient to fulfill their work requirement.

2341.3 12th Month of Financial Assistance (05/01/2014, 13-42)

A participant who has received 12 cumulative months of financial assistance in the pre-work-ready phase (rule 2322.2) shall be deemed work-ready on the first day of the 13th month the individual receives assistance and is subject to the applicable work requirement. In rare circumstances, if a participants case manager concludes that the participant cannot meet the applicable unmodified work requirement, the case manager shall submit a request for an extension of the work-ready date (rule 2341.4).

2341.4 Pre-Work-Ready Phase Extended (05/01/2014, 13-42)

The case manager shall submit a request for an extension of the participants pre-work-ready phase in writing and specify the length of the extension, not to exceed six months. The request shall include the following:

- the particular reasons why the participant cannot meet the full work requirement;
- the date the reasons were recognized and the efforts made so far to address them;
- the number of hours the participant can engage in work activities;
- the length of the requested extension; and
- the remedial actions and services to be provided to the participant to enable fulfillment of the requirement.

The case manager shall submit a request for an extension to the district director and the commissioner or the commissioner's designee for approval. The district director and the commissioner or the

Work-Ready Determination

commissioner's designee shall review the request and approve it, provided that the participant cannot meet the work requirement, the participant does not qualify for a modification of the work requirement (rule 2360), and the information in the request is supported by the documentation in the participant's file and FDP. If the extension is approved, they shall set a new work-ready date within the next six months.

Implementation of Phase-In Plan

2342 Implementation of Phase-In Plan (07/01/2001, 00-22)

Due to the large numbers of WRP families with participants who will become work-ready during the period July 1, 2001, through May 1, 2002, the department anticipates that it may not be administratively possible for staff to meet and work with each participant during the two months before the work-ready dates established by statute and set out above. Consistent with the apparent intent of the statutory provisions, case managers shall meet with participants as close in time to the statutory schedule as possible. Case managers shall schedule appointments with participants on the basis of the number of cumulative months the participant has received financial assistance. Those participants who have received the most months of assistance shall be scheduled first, and the remaining families will be scheduled to meet with their case managers based on an incrementally decreasing number of cumulative months of receipt of financial assistance.

In no case shall any participant be work-ready before the date established by statute and set out above unless the participant is voluntarily fulfilling the applicable work requirement by engaging in approved work activities. The date the participant will be treated as work-ready for purposes of imposition of program requirements shall be the first day of the calendar month preceded by the two full calendar months immediately after the participants meeting with the case manager. The case managers shall accommodate participants who wish to meet with them to begin the process earlier than the date scheduled based on the number of months they have received assistance.

INTERPRETIVE MEMO

Reach Up Rule Interpretation

Reach Up Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2343 **Date of this Memo** 12/17/2002 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: What is the work requirement for a participating parent when a second parent’s status as an ineligible alien, fugitive felon, or probation and parole violator makes him or her ineligible for Each Up? (rules 2273 and 2237.3)

ANSWER: A participating parent has a work requirement of 30 hours per week when a second parent living in the home is ineligible for Reach Up. This parent is treated the same as the participating parent in a two-parent family where one parent receives SSI.

INTERPRETIVE MEMO

Reach Up Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2343 **Effective date of this memo** 7/1/2018 **Page** 1 of 1

This memo: **is new** **Replaces one dated** _____

Act 109 of 2018 amended 33 V.S.A. § 1113(c) to simplify the work requirements.

Effective July 1, 2018, the work requirement hours will be:

Type of Family	Parent	Work Requirement
Two parents, neither parent receives SSI	One or both parents may contribute to the work requirement	35 hours per week combined or the combined number of hours they are able to work, whichever is less
Two parents with a child age 6 or older, one parent receives SSI	Work-eligible parent*	30 hours per week or the number of hours the parent is able to work, whichever is less
Two parents with a child under age 6, one parent receives SSI	Work-eligible parent	20 hours per week or the number of hours the parent is able to work, whichever is less
Single parent with a child age 6 or older		30 hours per week or the number of hours the parent is able to work, whichever is less
Single parent with a child under age 6		20 hours per week or the number of hours the parent is able to work, whichever is less

* *Work-eligible parent means a parent who is not receiving SSI*

Work Requirement Hours

2343 Work Requirement Hours (07/01/2001, 00-22)

Work-ready participants and participants who have completed all approved FDP activities leading to their employment goal have a specified number of hours that they must work or engage in work activities to satisfy the work requirement. The number of hours varies on the basis of the ages of the dependent children in the home, the number of adults in the family, the adults ability to work and, in some situations, whether two parents are sharing a work requirement. The various configurations of these factors and the resulting applicable work requirement hours are illustrated in the following chart.

Work Requirement Hours

Type of Family	Ability to Work	Parent	Work Requirement
Two parents	Both able-to-work	Principal earner (PEP)	40 hours per week, or 35 hours per week in a job the employer defines as full-time
		Primary caretaker of child	None unless the PEP is sanctioned, then the primary caretaker must fulfill the PEP's work requirement
		Both parents	40 hours per week divided between parents sharing work requirement
	One able-to-work and one able-to-work-part-time or unable-to-work	Parent able-to-work	30 hours per week
		Parent able-to-work-part-time	None
		Parent unable-to-work	None
	One able-to-work-part-time at least 30 hours per week and one able-to-work-part-time or unable-to-work	Parent able-to-work-part-time at least 30 hours per week	30 hours per week
		Parent #2 able-to-work-part-time	None
		Parent unable-to-work	None
	Both parents able-to-work-part-time	Both parents	30 hours per week combined or the combined number of hours they are able-to-work-part-time, whichever is less
	One able-to-work-part-time and one unable-to-work	Parent able-to-work-part-time	30 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
		Parent unable-to-work	None
	Both parents unable-to-work	Both parents	None

Work Requirement Hours

Type of Family	Ability to Work	Parent	Work Requirement
Single parent or caretaker with child under 6	Parent or caretaker able-to-work		20 hours per week
	Parent or caretaker able-to-work-part-time		20 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
	Parent unable-to-work		None
Single parent or caretaker with child 6 or older	Parent or caretaker able-to-work		30 hours per week
	Parent or caretaker able-to-work-part-time		30 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
	Parent unable-to-work		None

NOTE

References in the chart to participants "unable-to-work" or "able-to-work-part-time" address work requirements for participants in families where an adult has a medical deferment from or modification of the work requirement (rule 2360).

A change in a medical condition affecting the parents ability to work that lasts fewer than three months and reduces or eliminates the number of hours that parent must participate shall have no effect on the second parents required hours of participation.

For simplicity sake, the above chart expresses the work requirement for each adult as a single number of hours. To address the fact that the hours of employment actually made available to participants may not equal the number of hours they are required to work, the department has specified each work requirement as a range of hours in the next two subsections. The lower limit of the range of hours equals the number of hours of employment a participant is required to accept and retain. This is the number included in the chart. The upper limit of the range of hours equals the maximum hours of employment a participant is required to accept and retain. Both numbers are included in the next two subsections. Any participant may work more than the maximum number of hours voluntarily.

2343.1 Parents in Two-Parent Families (05/08/2018, 17-20)

A. Two Able-to-Work Parents

In a two-parent family with two able-to-work parents, the parents have two options for how they may fulfill their work requirement hours. The parents shall be advised of the options at their initial interview. In the first option, the principal-earner parent fulfills the family's work requirement, and the primary caretaker parent will have a work requirement only if the principal-earner parent is sanctioned for failing to fulfill the work requirement. In the second option, the parents share the responsibility for the work requirement.

Regardless of the option selected, the parents must designate one parent as the principal-earner parent and one parent as the primary caretaker parent. The designation

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of the principal-earner parent must be made at the time the family applies for Reach Up financial assistance. Once the parents designate the principal-earner parent, the parents may change the designation under the following circumstances:

- by the parents choice at their first meeting with the case manager;
- at their first meeting with the case manager following reapplication after a break in benefits for one full calendar month or more;
- when the principal-earner parent is sanctioned (rule 2372.2) and the other parent fulfills the work requirement through unsubsidized work; and
- when the parent who is not the principal-earner parent fulfills the work requirement through unsubsidized work for at least two weeks.

1. Option in Which the Principal-Earner Parent Fulfills the Work Requirement

The principal-earner parent who has not secured employment during the applicant job search shall participate full time in approved work activities. After completing the activities leading to the employment goal, the parent shall work full time in unsubsidized work. Full time generally means 40 hours per week but also includes, in the case of an unsubsidized job that the employer defines as full-time, a job that requires no fewer than 35 and no more than 45 scheduled hours per week. The primary caretaker shall have no work requirement, provided that the principal-earner parent complies with and is not sanctioned for failing to meet the work requirement. In the event that the principal-earner parent is sanctioned for failing to meet the work requirement, the primary caretaker parent shall be deemed work-ready and required to fulfill the family's work requirement. If the principal-earner parent is sanctioned, the primary caretaker parent shall report to the family's case manager, complete an assessment, modify the family's FDP, and comply with the family's work requirement by the 30th day following the effective date of the principal-earner parents sanction.

2. Option in Which the Parents Share Responsibility for the Work Requirement

Two able-to-work parents may share the work requirement, provided that they secure employment or participate in work activities with combined hours equal to or exceeding 40 hours per week.

B. One Able-to-Work Parent

In a two-parent family with only one able-to-work parent, the able-to-work parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the able-to-work parent shall accept an offer of and work in unsubsidized employment with scheduled hours of no fewer than 30 and up to 35 hours per week.

C. Two Able-to-Work-Part-Time Parents

1. One Parent Can Work 30 or More Hours Per Week

In a two-parent family with two able-to-work-part-time parents, if one parent can work 30 or more hours per week, then that parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the parent who can work 30 or more hours shall accept an offer of

Work Requirement Hours

and work in unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 per week as long as the number of hours does not exceed the number of hours the parent can work. The second parent does not have a work requirement.

2. Parents Can Work 30 or More Hours Per Week Combined and Neither Parent Can Work 30 or More Hours Alone

If the family includes two able-to-work-part-time parents who can work a combined total of 30 or more hours per week, but neither can work 30 or more hours alone, the parents shall both participate in approved work activities for a combined total of no fewer than 30 hours per week. After completing the activities leading to their employment goals, these parents shall accept and work in unsubsidized employment with combined scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the combined number of hours the parents can work.

3. Two Able-to-Work-Part-Time Parents Cannot Work 30 Hours Per Week Combined

If the family includes two able-to-work-part-time parents who cannot work 30 hours per week when their hours are combined, they shall participate in approved work activities for the total combined number of hours they can work. After completing the activities leading to their employment goals, these parents shall accept and work in unsubsidized employment for the combined number of hours they can work.

4. One Able-to-Work-Part-Time Parent and One Unable-to-Work Parent

a. One Able-to-Work-Part-Time Parent Can Work 30 or More Hours Per Week

If the family includes one unable-to-work parent and one able-to-work-part-time parent who can work at least 30 hours per week, the able-to-work-part-time parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the able-to-work-part-time parent shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the parent can work.

b. One Able-to-Work-Part-Time Parent Cannot Work 30 Hours Per Week

If the family includes one unable-to-work parent and one able-to-work part-time parent who cannot work 30 hours per week, the able-to-work-part-time parent shall participate in approved work activities for the number of hours that the parent can work. After completing the activities leading to the employment goal, the able-to-work-part-time parent shall work in unsubsidized work for the number of hours that the parent can work.

2343.2 Single Parents and Caretakers (07/01/2001, 00-22)

A. Single Parent or Caretaker in a Family with No Child Under Six

1. Able-to-Work Parent or Caretaker

If the family includes only one able-to-work adult, the participant shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading the employment goal, the participant shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 35 hours per week.

Work Requirement Hours

2. Able-to-Work-Part-Time Parent or Caretaker Can Work 30 or More Hours

If the family includes only one able-to-work-part-time adult who can work at least 30 hours per week, the participant shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the participant shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant can work.

3. Able-to-Work-Part-Time Parent or Caretaker Cannot Work 30 Hours Per Week

If the family includes only one able-to-work-part-time adult who cannot work 30 hours per week, the participant shall participate in approved work activities for the number of hours that the participant can work. After completing the activities leading to the employment goal, the participant shall accept unsubsidized employment with scheduled hours up to the number of hours the participant can work.

B. Single Parent or Caretaker in a Family with Child Under Six in the Home

1. Able-to-Work Parent or Caretaker

If the family includes only one able-to-work adult, the participant shall participate in approved work activities for no fewer than 20 hours per week. After completing the activities leading to the employment goal, the participant shall work in unsubsidized employment for no fewer than 20 hours per week and shall accept unsubsidized employment with scheduled hours up to 24 hours per week.

2. Able-to-Work-Part-Time Parent or Caretaker Can Work 20 or More Hours

If the family includes only one able-to-work-part-time adult who can work at least 20 hours per week, the participant shall participate in approved work activities for no fewer than 20 hours per week. After completing the activities leading to the employment goal, the participant shall accept and work in unsubsidized employment with scheduled hours of no fewer than 20 and up to 24 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant can work.

3. Able-to-Work-Part-Time Parent or Caretaker Cannot Work 20 Hours Per Week

If the family includes only one able-to-work-part-time adult who cannot work 20 hours per week, the participant shall participate in approved work activities for the number of hours that the participant can work. After completing the activities leading to the employment goal, the participant shall accept and work in unsubsidized work for the number of hours that the participant can work.

2343.3 Participants Under 20 Years Old (07/01/2001, 00-22)

Individuals eligible as adult participants are deemed to be meeting their work requirement if they meet at least one of the following criteria:

- they maintain satisfactory attendance at a secondary school or the equivalent; or
- they participate in education directly related to employment for at least 20 hours per week.

Work Requirement Hours

2343.4 Requirement to Accept or Retain a Job (7/1/2015, 15-08)

A participant who has completed the activities leading to the employment goal or who has an FDP requirement to work in an unsubsidized job shall accept any offer of unsubsidized employment. A participant who is employed shall retain any current unsubsidized employment, even if it pays wages less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant.

If a participant has completed the activities leading to the employment goal and no unsubsidized job is available, the participant shall accept a subsidized job or participate in a community service placement or job search, or a combination of any work activities that enhance the participant's employability as approved by the case manager. The participant shall engage in the work activities for the number of hours that, in combination with the participant's unsubsidized employment, equal the number of hours of the work requirement.

A participant who without good cause fails to retain or accept an offer of unsubsidized employment in accordance with this section shall be subject to sanction unless an exception applies (rule 2343.5).

2343.5 Exceptions to Requirement to Accept a Job (7/1/2015, 15-08)

A participant who, in the three months immediately before applying for financial assistance, had annualized wages equaling or exceeding 150 percent of the federal poverty level (FPL) for the family size shall not have to accept jobs with annualized earnings of less than 150 percent FPL during a three-month grace period immediately after the family is found eligible for financial assistance, provided that the participant complies with the requirements of this subsection. The annualized wage is determined by multiplying the participant's hourly wage by 2080, the number of hours in a full year of 40-hour workweeks. An individual who meets this wage criterion shall be eligible and remain eligible for this exception during the full three-month grace period, provided that the participant:

- A. has not been disqualified within the prior six months from receiving unemployment compensation benefits for one of these reasons:
 1. quitting a job without good cause;
 2. failing, without good cause, to apply for suitable work when so directed by the employment office or the commissioner of employment and training; or
 3. failing, without good cause to accept suitable work when offered;
- B. is not sanctioned during the grace period;
- C. does not leave an unsubsidized job without good cause during the grace period;
- D. follows through in a satisfactory manner on all referrals to employment **opportunities**;
- E. is engaged in acceptable work activities sufficient to fulfill the work requirement; and
- F. agrees to accept any unsubsidized job if still unemployed after completion of the grace period

Work Requirement Hours

2343.6 Excused Absences and Holidays (7/1/2015, 15-08)

Excused absences and holidays are treated as specified in Vermont's federally-approved Work Verification Plan.

A Reach Up participant is allowed up to 80 hours of excused absences in the preceding 12-month period, no more than 16 hours of which may fall within the federal reporting month.

An absence is considered "excused" if the participant has received permission from his or her case manager or site supervisor or has good cause for not complying with a requirement of his or her FDP.

In addition, hours missed due to the following holidays are considered excused absences, not subject to the 80-hour and 16-hour limits:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Vermont Town Meeting Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

Work and Work Activities

2350 Work and Work Activities (12/01/2006, 06-24)

Work activities are the activities that participants must engage in to fulfill their work requirement (rule 2340). Only the types of activities specified in this section may be counted toward fulfillment of the work requirement. An approved activity is an activity that has been approved by the case manager as an FDP requirement. A countable activity is one that can be counted toward the hours of a participant's work requirement, in accordance with Reach Up rules.

Before participants are work-ready, they shall engage in any work activities they can perform, as long as the case manager has approved the activity, the activity is included in the participant's FDP, and participation in the activity leads to attainment of the participant's employment goal. After a participant is work-ready, the participant must engage in the approved work activities that are countable toward that participant's work requirement and support the most expeditious attainment of the participant's employment goal.

The following sections describe the general categories of work activities that may be counted toward fulfillment of the work requirement. As shown below, nine of the activities are "core activities" and three of the activities are "non-core activities."

Core Activities

- 2350.1 Unsubsidized Employment Subsidized
- 2350.2 Private Employment Subsidized
- 2350.3 Public Employment Work Experience
- 2350.4 On-the-Job Training
- 2350.5 Job Search and Job Readiness Assistance Community
- 2350.6 Service Programs
- 2350.7 Vocational Education
- 2350.8 Provision of Child Care Services to an Individual Who is Participating in a Community Service Program.
- 2350.12

Non-core Activities

- Job Skills Training Directly Related to Employment
- 2350.9 Education Directly Related to Employment (Exception - Core activity for teen parent)
- 2350.10 Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence (Exception - Core activity for teen parent)
- 2350.11

Hours of participation in core activities count in full toward any hours of a participant's work requirement. Hours of participation in non-core activities only count toward a participant's work requirement after the participant has engaged in a minimum number of weekly hours in core activities. Participants with a work requirement of fewer than 35 hours must engage in 20 hours per week of core activities before hours of participation in non-core activities may count toward the work requirement. Participants with a work requirement of 35 or more hours must engage in 30 hours per week of core activities before hours of participation in non-core activities may count toward the work requirement. Additional limitations or restrictions on participation in a specific activity, if they exist, are addressed in the section pertaining to that activity.

2350.1 Unsubsidized Employment (03/01/2017, 17-02)

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

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Self-employment is a type of unsubsidized employment. Self-employment is working for oneself in a job that results in net income to the participant, after business expenses, of no less than the sum of Vermont's minimum wage multiplied by the number of hours the participant claims as working in self-employment.

A participant may count hours engaged in self-employment when the participant is meeting the full work requirement with hours in self-employment or in self-employment combined with hours in other countable work activities.

Participants may count toward their work requirement hours engaged in self-employment when:

- The hours the participant claims as engaged in self-employment are either verifiable as specified in Vermont's federally-approved work verification plan or net the participant the Vermont minimum wage after business costs calculated consistent with Reach Up financial eligibility rules;
- The self-employment is included in the participant's FDP as an approved activity; and
- The hours the participant engages in self-employment alone or when combined with hours the participant spends in other approved and countable activities fulfills the participant's entire work requirement.

2350.2 Subsidized Private Employment (12/01/2006, 06-24)

Subsidized private employment is a core activity. Subsidized private employment is a job in the private sector that pays wages that are subsidized with Reach Up or other public funds or for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a participant. Subsidized employment includes supported employment for individuals who have disabilities when it is supported with TANF or public funds.

2350.3 Subsidized Public Employment (12/01/2006, 06-24)

Subsidized public employment is a core activity. Subsidized public employment is the same as subsidized private employment in all respects except that the job is in a public sector employment setting.

2350.4 Work Experience (03/01/2017, 17-02)

Work experience is a core activity. Participants engaged in this activity are not employees of the worksite or the state of Vermont.

Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available means a work activity, performed in return for welfare, that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized full-time employment. This activity must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less

Work and Work Activities

frequently than once in each day in which the individual is scheduled to participate.

2350.5 On-the-Job Training (03/01/2017, 17-02)

On-the-job training is a core activity. On-the-job training means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.

2350.6 Job Search and Job Readiness

Job search is a core activity. Job search includes a variety of activities that are designed to improve the participant's employment prospects and that are supervised on a daily basis. This is an appropriate activity for any participant seeking unsubsidized employment or needing skills that will prepare the participant to seek, obtain, perform and maintain a job. For example, job search includes the following types of employment readiness activities:

- resume and application preparation;
- job interviews;
- work search and work-search training;
- life skills training; and
- substance abuse treatment, mental health treatment or rehabilitation activities for those who are otherwise employable, when determined to be necessary and certified by a qualified medical and mental health professional.

For purposes of the federal work participation rate, participants may count hours engaged in this activity up to their entire weekly hour requirement. This activity may however count for only up to six weeks during a twelve-month period.

For purposes of the 12-month limit to six weeks on job search, one week equals the number of hours of the participant's work requirement. A participant with a 30 hour work requirement is limited to no more than 180 hours of job search in the 12-month period and a participant with a 20 hour work requirement is limited to 120 hours of job search in the 12-month period. For purposes of the four consecutive weeks limitation, any hours of job search in a week counts toward that limitation. Participants may use their six weeks of job search in any hourly increments as long as they do not exceed their limit and have no more than four consecutive weeks with any hours of job search.

The twelve-month period is determined by the preceding 12 months of participation, but shall not include any time before October 1, 2008. Of the six weeks, only four may be consecutive, and the case manager shall approve the activity in periods of no longer than two weeks. In no event shall the department require an individual to participate in job search for more than four weeks before an assessment of the participant's employability is completed. If the participant's assessment reveals reasons why job search is not an appropriate activity for the participant, the requirement to participate in job search shall be terminated.

Work and Work Activities

2350.7 Community Service Programs (12/01/2006, 06-24)

Community service is a core activity. Community service programs are structured activities monitored by the case manager or other entity. Hours a participant spends in community service provide a benefit to the community or member of the community. The placements may be located at public or nonprofit sites with local supervision on a daily basis. Hours a participant engages in any type of organized community service placement, including those organized and required by the corrections department or diversion program, are community service programs within this activity. Participants in this work activity are not employees of the placement site or of the state of Vermont.

Placement in this activity will provide participants with the opportunity to maintain their employment skills as well as to demonstrate their employment potential when they have been unable to obtain subsidized or unsubsidized work. The placement may also provide training and experience designed to enhance the participant's skills.

Placement in community service programs arranged by the department must be conducted in accordance with a contract between the department and the placement that specifies provisions such as length of placement, development of job skills, and release time for job search.

2350.8 Vocational Education (03/01/2017, 17-02)

Vocational education is a core activity. Vocational education means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations. The program must provide daily supervision. Federal law limits participation in this activity to no more than 12 months for any individual.

Examples of vocational education include training programs to become a nurses aide, a licensed practical nurse, or an auto mechanic. It also includes organized educational programs directly related to the preparation of individuals for paid employment in such fields as agriculture, education, business occupations, home economics, health occupations, marketing and distributive occupations, technical and emerging occupations, modern industrial and agriculture arts, and trades and industrial occupations. Vocational education includes hours a participant is engaged in postsecondary education in accordance with an education plan for a degree approved by the department for up to 12 months.

2350.9 Job Skills Training (03/01/2017, 17-02)

Job skills training is a non-core activity. Job skills training means education or training that enables the participant to become proficient in an occupation or skill necessary to meet the participant's employment goal. Participation in job skills training must be supervised daily and develop or enhance skills directly related to the participant's attainment of, retention of, or advancement in an unsubsidized job available in the local or adjacent labor market or in some other labor market to which the participant is willing to relocate. The job skills training must be directly related to employment if the hours of participation are to be counted toward the participant's work requirement.

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Because job skills training is a non-core activity, hours of participation in this activity only count toward participant's work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement.

2350.10 Education Related to Employment (12/01/2006, 06-24)

Education directly related to employment is a non-core activity. Participation in this work activity is limited to participants without a high school diploma or certificate of high school equivalency and must be supervised daily. Adult participants younger than 20 may participate in this activity to meet their full alternative work requirement as defined in rule 2343.3.

Because education directly related to employment is a non-core activity, hours of participation in this activity only count toward participants' work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement.

Education directly related to employment includes the following:

- basic and remedial education that will provide an individual with basic literacy equivalent to at least grade 8.9;
- education in English proficiency when an individual is unable to understand, speak, read, or write the English language at a level necessary to obtain employment consistent with the participant's employment goal;
- education designed to prepare a person to qualify for a high school diploma or its equivalent; and
- a secondary school program.

2350.11 Satisfactory Attendance at Secondary School (12/01/2006, 06-24)

Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is a non-core activity. This is a countable activity for participants who have not completed high school or received a certificate of general equivalence and who regularly attend, in accordance with the requirements of the school or course of study, and receive daily supervision.

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Because satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is a non-core activity, hours of participation in this activity only count toward participants' work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Adult participants younger than 20 may participate in this activity to meet their full alternative work requirement as defined in rule 2343.3.

2350.12 Child Care Services to CSP Participant. (02/01/2009, 08-10)

Provision of child care services to an individual who is participating in a community service program is a core activity. Participation in this activity must be done with daily supervision.

Financial Literacy Classes

2351 Financial Literacy Classes (12/01/2006, 06-24)

Financial literacy classes means attending classes related to financial literacy. Financial literacy classes include classes on budgeting, saving, investing, and establishing credit. Financial literacy classes are not a countable activity on their own. Hours a participant spends in attendance in financial literacy classes count only to the degree they are permitted and counted toward a participants work requirement in accordance with federal law.

Work Activity Displacement Policy

2352 Work Activity Displacement Policy (12/01/2006, 06-24)

No adult in a work activity described in rule 2350 and funded, in whole or in part, by funds provided by the federal government shall be employed or assigned when:

- any other individual at the same work site is on layoff from the same or any substantially equivalent job;
- the employer has terminated the employment or reduced the regularly scheduled hours of any regular full-time employee or otherwise caused an involuntary reduction of its work force capacity to fill the vacancy so created with a participant of the Reach Up Program; or
- the employment or placement is the result of a strike, lockout, or other bona fide labor dispute.

If there is a bargaining unit at the work site, the department or its agent shall obtain the bargaining units certification that the participants employment or placement will not result in any violation of the bargaining unit agreement.

The department shall maintain a grievance procedure for resolving complaints of alleged violations of the departments displacement policy.

This procedure will involve the opportunity for informal resolution conducted by the Reach Up Welfare-to-Work Director or the director's designee. If no informal resolution can be reached within 30 days, the complainant may file a request for a hearing with the state. The state's grievance procedure shall involve a hearing before a Vermont Department of Labor Appeals Referee. The state shall provide the complainant with a written decision within 90 days from the date of the filing of the complaint. A dissatisfied party may appeal a decision by the state within 20 days of receipt of the state's written decision.

Fair Labor Standards Act

2353 Fair Labor Standards Act (02/01/2009, 08-10)

The department shall comply with the provisions of the Fair Labor Standards Act with respect to the maximum number of hours participants can be required to engage in certain work activities.

For certain work activities subject to these provisions, the maximum number of hours a participant can be required to work shall be calculated as follows:

1. Calculation of number of hours an individual may be *required* to work:
 - a. Determine RU grant amount received.
 - b. Subtract child support portion (parent's share).
 - c. Add actual monthly food stamp benefit received.
 - d. Divide sum by state minimum wage to determine the number of hours that the participant can be required to work in the FLSA activity for the month.
 - e. Divide the number of hours by the number of weeks in this month to get the hours that the participant can be required to work in this activity per week.

Deferments and Modifications

2360 Deferments and Modifications (07/01/2001, 00-22)

Under specified circumstances, the department may defer or modify the work requirement of a Reach Up participant who would otherwise be required to fulfill a work requirement. A deferment delays the onset of the full work requirement. A modification changes the number of hours the participant is required to engage in approved work activities to fulfill a work requirement. The department shall modify the number of work requirement hours, rather than defer the work requirement, for a participant who is able-to-work-part-time or able to meet only part of the work requirement for a nonmedical reason.

Participants must continue to comply with all family development plan (FDP) requirements during any period when their work requirement is deferred or modified. A deferment or modification of the work requirement excuses a participant from engaging in work activities for some or all of the work requirement hours but does not change the dates by which a participant must be work-ready or complete the activities leading to the employment goal.

When the grounds for a modification or deferment (rule 2360) specify a related time period for expiration, the deferment or modification is limited by its terms. If the grounds are not time-limited, the deferment or modification shall continue for as long as the grounds continue to exist.

A parent or caretaker caring for a child under 24 months old may, if the child is under six months old, be exempt from all services component requirements, as specified in rule 2362.

Presumption of Capacity to Work

2361 Presumption of Capacity to Work (07/01/2001, 00-22)

In the absence of an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the circumstances or condition asserted as the basis for a deferment or modification of the work requirement.

Deferment of Requirements

2362 Deferment of Requirements (07/01/2001, 00-22)

A participant whose work requirement has been deferred because of caring for a child under 24 months old is exempt from all services component requirements if the child is under 6 months old and the participant is 18 or older.

INTERPRETIVE MEMO

Reach Up Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2363 **Effective date of this memo** 7/1/2018 **Page** 1 of 1

This memo: **is new** **Replaces one dated** _____

Act 109 of 2018 amended 33 V.S.A. § 1114(b) to expand the education modification and deferment.

Effective July 1, 2018, the work requirements must be modified or deferred for:

A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.

Deferment or Modification of Work Requirement

2363 Deferment or Modification of Work Requirement (05/01/2014, 13-42)

The work requirement shall be either modified or deferred for:

- A. A participant for whom no unsubsidized or subsidized job or other approved work activity is available.
- B. A participant for whom support services identified in the FDP and essential to employment or participation in other required work activities cannot be arranged within the time frames allowed for completion of the participation phases (rule 2322). Such services shall include case management, education, job training, child care, and transportation. A deferment or modification on these grounds is available only if the case manager, after reviewing the FDP pursuant to rule 2333, determines that modifying the FDP to include an alternative activity or employment goal is not possible.
- C. Primary caretaker parents in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, single parents, and caretakers if they are caring for a child under 24 months old and request a deferment on this basis. A participant's work requirement shall be deferred for this reason no more than 24 months during a lifetime.
- D. An individual who has exhausted the 24-month deferment for caring for a child under 24 months old and is caring for a child not yet 13 weeks old.
- E. A primary caretaker parent in a family with two able-to-work parents where the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned. This deferment is not available to two-parent families when the parents share the work requirement unless one parent receives paid parental leave from the job or one parent temporarily assumes the total work requirement so the other parent may remain at home with the child. In the case of one parent assuming the full work requirement, that parent shall fulfill the work requirement in subsidized employment or other work activities if unsubsidized employment is not available. If the parents intend to resume the sharing arrangement, they must do so by the end of the 13-week deferment period.
- F. A participant needed in the home on a full- or part-time basis to care for a disabled or seriously ill parent, spouse, civil union partner, or child. A disabled or seriously ill person in this context is someone who requires continuing in-home care under the direction of a physician as a result of an accident, disease, physical, or mental condition and also meets one of the following criteria:
 - The person is expected to require care for at least two weeks and no more than 12 weeks.
 - The person is expected to require care for more than 12 weeks, and no alternative care that enables the participant to fulfill the unmodified work requirement can be arranged.
 - The person has a terminal illness and has a life expectancy of less than 12 months.

The department's medical review team, using documentation provided by a physician or licensed psychologist, certifies whether a participant is eligible for a deferment or modification of the work requirement based on being needed in the home as defined herein. In granting this deferment, consideration shall include:

- the needs of the disabled or seriously ill person,
- available and appropriate community resources and supports, and

Deferment or Modification of Work Requirement

- the participant's preferences as to the number of hours the participant is able to leave home to participate in work activities.

A deferral or modification of the work requirement exceeding 60 days shall be confirmed by the independent medical review of one or more physicians designated by the Secretary.

- G. A participant at least 20 years old who is engaged in at least 25 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or general educational development (GED) certificate. A related learning activity is a scheduled activity the participant is required to attend as part of the course of study leading to attainment of the high school diploma or GED. This deferment is available provided that:
- the participant is making satisfactory progress toward the attainment of such diploma or certificate;
 - the participant documents the satisfactory progress by providing the case manager with grades or evaluations as frequently as indicated by the duration and intensity of the program; and
 - the deferment or modification granted for this purpose does not exceed six months.
- H. A parent or caretaker age 60 or older.
- I. A participant unable to fulfill the applicable work requirement due to the effects of domestic violence, as determined in accordance with rule 2363.1.
- J. A participant who requests a modification or deferment of the work requirement on the basis of an unpaid leave of absence from employment to which the participant is entitled under Vermont's Parental and Family Leave statute (21 V. S. A. Subchapter 4A) and provides verification that his or her employer has approved this leave of absence.

2363.1 Domestic Violence Deferment or Modification (02/01/2013, 12-18)

When a participant requests a deferment or modification due to the effects of domestic violence, the department shall make an individualized assessment of the family situation and available documentation to determine whether the request shall be granted. The department shall grant a deferment or modification when, due to the effects of the domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs the participant's capacity either to fulfill the requirements or to care for a 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 participant shall complete a written statement providing information about the domestic violence and its effects. The participant may attach supporting documentation to the form and refer to the attached documentation instead of rewriting the same information in the statement. In every case, the department shall inquire whether the participant needs help completing the written statement or obtaining additional documentation and, if so, provide that help.

Supporting documentation is not necessary if the participant's written statement is sufficiently detailed, consistent, and credible. If the department determines that supporting documentation may be needed to resolve any deficiencies or inconsistencies in the written statement, the following items are examples of acceptable documentation:

Deferment or Modification of Work Requirement

- medical records (for example, from a doctor, dentist, nurse, nurse practitioner, physician assistant, or 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 Family Services Division staff);
- statements from neighbors or employers; or
- sworn affidavits from family and friends.

If, for any reason, the participant is unable or unwilling to provide supporting documentation, the department shall not require the participant to provide such documentation and the decision to grant or deny the deferment or modification shall be based on the participant's written statement alone.

The department may grant an initial deferment or modification due to the effects of domestic violence for a period up to six months. In the case of a participant capable of working part-time, the department shall modify the work requirement to reflect the number of hours the participant can work.

The department may extend the deferment or modification for a period of up to six months at a time. 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. No additional verification of domestic violence is required if circumstances have not changed.

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

2363.2 Medical Deferment or Modification (03/01/2017, 17-02)

A participant's request to be considered unable-to-work or able-to-work-part-time shall be processed according to the following rules.

If, in the case managers judgment, the medical condition limits, but does not prevent, the participant from meeting the full work requirement, the case manager will work with the participant to develop an FDP or modify an existing FDP, taking the limitations of the condition into account. No deferment or modification shall be approved.

Participants determined disabled for the purposes of receiving SSI/AABD, social security disability payments, or Medicaid shall be considered unable-to-work and granted a deferment. They may be referred to vocational rehabilitation services on a volunteer basis

Deferment or Modification of Work Requirement

The department may grant a deferment or modification to other participants, not determined disabled, who claim a medical condition expected to last fewer than 90 days. Such participants shall continue to work with their case manager to develop an FDP, allowing an accommodation for the condition up to 90 days, and participate in FPD-approved activities to the extent possible. Participants requesting an extension of their deferment or modification shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

Participants not determined disabled who claim a condition expected to last more than 90 days shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

The department reserves the rights to review the basis of a participant's medical deferment or modification at any time.

A deferral or modification of the work requirement exceeding 60 days shall be confirmed by the independent medical review of one or more physicians designated by the Secretary.

To determine whether participants are able to do any work, the medical review team shall review their residual functional capacity, age, education, and work experience, based on information supplied by the case manager, reports obtained from the treating physician and other health care professionals who have examined the participant, and the participant's estimate of the number of hours the participant is able to work. In the case of a participant receiving medical care through a managed care program, the determination will be made on the basis of information provided by the participant's primary care provider (PCP) or by a medical professional to whom the participant was referred by the PCP.

The medical review team may obtain consultative reports if any of the following conditions exist:

- the treating physician's opinion is contradicted by evidence in the record;
- the vocational rehabilitation services provider or a similar professional familiar with the participant recommends consultation;
- the participant's physician has not treated the participant for the condition; or
- the participant has multiple conditions, all of which have not been treated by the participant's physician.

Functional capacity includes mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

Deferment or Modification of Work Requirement

In cases in which the participant has been terminated from vocational rehabilitation services without completing all required activities leading to the employment goal and has been determined able-to-work-part-time or unable-to-work by the medical review team, the case manager shall work with the participant to develop or modify the FDP. Appropriate medical treatments identified by the medical review team or the participant's physician shall be specified as FDP requirements. In addition, the case manager and the participant shall specify nonmedical FDP activities and requirements based on the participant's diagnosis, functional capacity, and need. Participants will be expected to undergo surgical procedures recommended as part of a treatment plan; a participant will not be required to do so, however, if less invasive methods of treatment exist or the participant objects to the procedure based on religious grounds.

To retain the deferment or modification, the participant must participate constructively in the development and, where applicable, modification of a family development plan (FDP) that addresses the basis of the medical deferment or modification. In addition, the participant must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.

Notwithstanding the rules in this section, the department reserves the right to review and deny or terminate a medical deferment or modification.

Types of Noncompliance

2371 Types of Noncompliance (05/01/2014, 13-42)

Instances of noncompliance include, but are not limited to, the participant's failure or refusal to:

- appear for assessment after one written request;
- cooperate in the development of the FDP;
- attend and participate fully in FDP activities;
- refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
- refrain from behavior that constitutes a threat or hazard to fellow participants;
- accept appropriate child care (rule 2373.3) or other services that would allow participation in FDP activities;
- follow through on treatment or rehabilitation services plans;
- appear for a referral to or interview for a job consistent with the FDP;
- reside in an approved supported living arrangement, if a minor parent;
- meet the work requirement;
- show up for work;
- accept or retain employment; and
- apply for or comply with the requirements of unemployment compensation, if otherwise eligible.

2371.1 De Facto Refusal (05/01/2014, 13-42)

De facto refusal occurs when noncompliance is implied by an individual's failure to meet one or more service component requirements without good cause. The case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. If the case manager determines that the participant had good cause for noncompliance, the noncompliance process ends. Otherwise, the case manager initiates the conciliation process or, for individuals no longer eligible for conciliation, the sanctions process. For families who have received 60 or more countable, cumulative months of assistance, the family's Reach Up benefits will be terminated.

2371.2 Overt Refusal (05/01/2014, 13-42)

Overt refusal occurs when, without good cause, an individual declares, orally or in writing, an unwillingness to comply with services component requirements. The case manager will ask the individual to put oral refusals in writing. If the individual will not put the refusal in writing, the case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. The case manager shall begin the sanctions process immediately or, for families who have received 60 or more countable, cumulative months of assistance, the family's Reach Up benefits will be terminated.

Determination of Good Cause

2372 Determination of Good Cause (07/01/2001, 00-22)

The case manager shall make a good-faith effort to contact the individual to discuss the act or pattern of noncompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. On the basis of this discussion and documentation, if any, the case manager will determine whether there was a good cause basis for the individual's noncompliance. If the individual does not respond to or fully cooperate with the case manager's attempt to establish good cause, the case manager will determine that there was no good cause basis for the noncompliance. The case manager shall complete the good cause determination within 10 days of becoming aware of the individual's noncompliance.

Good Cause Criteria

2373 Good Cause Criteria (07/01/2001, 00-22)

Circumstances beyond the control of the participant may constitute good cause for an individual's noncompliance. Some good cause reasons relate to employment requirements (rule 2373.1), and some relate to other services component requirements (rule 2373.2).

2373.1 Good Cause for Refusing, Quitting, or Being Fired From a Job (07/01/2001, 00-22)

- A. The employment was at a wage level below the Vermont minimum wage.
- B. The employment involved conditions in violation of applicable health, safety, or workers' compensation laws or regulations or of the Fair Labor Standards Act (FLSA).
- C. The employer discriminated on the basis of age, sex, sexual orientation, color, race, ancestry, national origin, place of birth, or religion or against a qualified handicapped individual. This good cause reason applies to the employers behavior during the job interview as well as to the employers conduct in the work place.

Individuals alleging discrimination in any of these areas may choose to have their complaints processed through the Reach Up conciliation and fair hearing process, as a violation of state law against discrimination with complaints processed through the Vermont Human Rights Commission and the Vermont Attorney General's Public Protection Division or as a violation of federal law with complaints processed through the federal Equal Employment Opportunity Commission.
- D. The requirements of the employment were contrary to the individual's religious beliefs.
- E. The offer of employment, on-the-job training, or work experience was available due to a layoff by the employer, strike, lockout, or other bona fide labor dispute.
- F. The participant, after making a good faith effort, was unable to arrange transportation to or from the place of employment or child care essential for the participants employment and informed the employer as soon as possible.
- G. The total daily commuting time to and from the place of employment or job search location exceeded two hours, including the time required to take a child to and from child care.
- H. The job was the only unsubsidized job available, but its regular hours exceeded the maximum number of hours of unsubsidized work required.
- I. The job was one of two or more unsubsidized jobs available to the participant, and combined regular hours of work from all the jobs exceeded the maximum number of hours of unsubsidized work required.

The participant must accept or retain a combination of the available jobs with regular hours totaling at least the minimum number of hours of unsubsidized work required per week but no more than the maximum number of hours. If the total number of hours is less than the minimum number of hours of unsubsidized work required per week, the participant must accept or retain all the available jobs.

When a participant has a choice between two unsubsidized jobs, only one of which brings regular hours of work up to the minimum number required, the participant may choose the job with fewer hours, as long as its monthly gross pay is higher and the case manager approves. The participant must agree to accept supplemental employment or work activities to increase work participation hours to the minimum number of hours required.

Good Cause Criteria

- J. The participant, after making a good-faith effort, was unable to make necessary child care arrangements (rule 2373.3).
- K. The participant was required to appear in court or incarcerated, and the participant contacted the employer in advance or, if it could not have been anticipated, as soon as possible following the incident.
- L. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a deferment due to domestic violence.
- M. The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition that qualifies the participant for a deferment or modification of the work requirement, provided that the following conditions are met:
 - the medical condition is expected to last at least 90 days;
 - the participant appears eligible for and is referred to vocational rehabilitation services; and
 - the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.
- N. The participants employer terminated the participants employment because of an absence due to the serious illness of the participant or the serious illness of the participants parent, spouse, civil union partner, or child, and the participant notified the employer of the situation at the earliest possible moment. Serious illness in this context is a condition resulting from an accident, disease, or physical or mental condition that meets at least one of the following criteria:
 - It poses imminent danger of death.
 - It requires inpatient care in a hospital.
 - It requires continuing in-home care under the direction of a physician.
- O. The participant was called away from the job to attend to a school emergency involving the participants child or another child for whom the participant receives Reach Up financial assistance or foster care payments from FSD or a licensed child placement agency, and the participant informed the employer of this situation before leaving the work site or, when this was not possible, as soon as possible thereafter.

2373.2 Good Cause For Non-Compliance with FDP (07/01/2001, 00-22)

- A. The participant, after making a good-faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible.
- B. Inclement weather prevented the person from traveling to work or participating in an FDP activity, and the participant contacted the employer or appropriate person as early as possible on the day of the inclement weather to explain the situation.

Good Cause Criteria

- C. The person's participation in a drug or alcohol treatment program precluded participation in the FDP activity.
- D. The person was required to appear in court or incarcerated, and the participant contacted the appropriate person in advance or, if it could not have been anticipated, as soon as possible following the incident.
- E. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented the participant from complying with a requirement, and the participant notified the employer or appropriate person of the situation at the earliest possible moment.
- F. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a deferment due to domestic violence.
- G. The participant's work requirement was 35 or more hours per week, the participant had to be absent from the Reach Up work activity to go to a medical appointment, and the participant requested and received supervisory approval for time off to attend the appointment in advance.
- H. The participant had to be absent from an FDP activity to go to an interview for an unsubsidized job, and the participant requested and received supervisory approval for time off to attend the interview in advance.
- I. The participant, after making a good-faith effort, was unable to make necessary child care arrangements (rule 2373.3), and the participant notified the employer or appropriate person of the situation at the earliest possible moment.
- J. The participant was absent from the FDP activity or employment due to an unforeseeable emergency such as fire, flood, or accident.
- K. The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition, provided that the following conditions are met:
 - the medical condition is expected to last at least 90 days;
 - the participant appears eligible for and is referred to vocational rehabilitation services; and
 - the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.
- L. The participant was called away from the job or FDP activity to attend to a school emergency involving the participant's child or another child for whom the participant receives Reach Up financial assistance or foster care payments from FSD or a licensed child placement agency, and the participant informed the employer or appropriate person of this situation before leaving the work or FDP activity site or, when this was not possible, as soon as possible thereafter.

2373.3 Absence of Appropriate Child Care (07/01/2001, 00-22)

In the case of a participant for whom a good cause determination is being made regarding noncompliance on the basis that appropriate child care is not available, appropriate child care shall be considered available when either of the following conditions is met:

Good Cause Criteria

2373.3 Absence of Appropriate Child Care (07/01/2001, 00-22)

- a. there is an available child care slot with a licensed or registered provider located within five miles of the parent or caretaker's residence or normal route to a program activity or employment that corresponds to the days and hours care is needed and the age of the child needing care; or
- b. the participant or caretaker chooses a legally exempt child care (LECC) provider who is in compliance with the law over a regulated child care provider.

Appropriate child care does not include:

- a. child care that the child care services division of the department of social and rehabilitation services classifies as legally exempt child care, and that a participant or caretaker determines to be unacceptable; and
- b. child care that the child care services division of the department of social and rehabilitation services classifies as either a registered family child care home or a licensed child care center, and that a participant or caretaker determines to be unacceptable, when such determination is confirmed by the child care services division.

If the only available child care is with a LECC provider, the participant or caretaker is not required to use it.

Conciliation

2374 Conciliation (05/08/2018, 17-20)

Conciliation is the process by which disputes related to an individual's failure to comply with services component requirements are resolved. Conciliation may also be requested for dispute resolution by an individual who has a complaint about the working conditions, workers' compensation coverage, or the wage rates used in calculating required hours of participation with respect to work activities included in the FDP.

The case manager shall initiate conciliation when the following conditions are met:

- A. The case manager has determined that the individual's de facto refusal to comply with services component requirements was without apparent good cause (rule 2370).
- B. The individual has not conciliated more than one dispute within the calendar year (rule 2374.1).

The conciliation process is not available to families who have received 60 or more months of countable, cumulative assistance.

2374.1 Conciliation Process (7/1/2015, 15-08)

When the conditions for conciliation for noncompliance (rule 2370) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed below.

The notice of the conciliation conference must include the following:

- the reason for the determination of noncompliance without good cause;
- the steps in the conciliation resolution;
- the right to have a representative present at the conciliation conference; and
- the sanctions to be imposed if conciliation is unsuccessful.

Effective May 1, 2014, participants may conciliate disputes only once within a calendar year (January – December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process without an opportunity for conciliation.

Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.

Conciliation

When it is determined, at any time during a conciliation process, that the individual had good cause for noncompliance or qualifies for a deferral from or modification of the work requirement, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliation in a calendar year, as defined above.

2374.2 Conciliation Resolution Period (7/1/2015, 15-08)

The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.

The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy services component requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause, deferral, and modification criteria.

The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.

The conciliation ends if, during the conciliation resolution period, there is a finding of good cause for noncompliance or a decision is made to defer or modify the requirements related to the individual's noncompliance. In such case, no conciliation resolution plan will be developed, and the conciliation will not count toward the limit of one conciliation in a calendar year.

The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process.

2374.3 Successful Resolution (7/1/2015, 15-08)

Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP. Such compliance must begin within five calendar days of the date of the completion of the conciliation resolution plan and continue for a period of time from two weeks to three months, as specified by the case manager in the conciliation resolution plan.

Individuals who quit an unsubsidized job without good cause must engage in job search for two weeks and fulfill their work requirement in unsubsidized employment for two consecutive months to resolve the conciliation successfully.

2374.4 Unsuccessful Resolution (7/1/2015, 15-08)

The conciliation process shall be determined unsuccessful when the individual:

- fails without good cause to respond to one written notice of a scheduled conciliation conference;
- exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;

Conciliation

- fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or
- voluntarily terminates the conciliation process before a successful resolution has been reached.

When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

When resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions. The sanctions process begins with a written notice to the individual at least 10 days before the sanctions are scheduled to begin. This notice explains the action being taken, the reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanctions begin, the sanctions are not applied while the appeal is pending.

Sanctions for Noncompliance

2375 Sanctions for Noncompliance (05/08/2018, 17-20)

If a participating adult, including a minor parent, fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adults family (rule 2375.2). This section does not apply to sanctions imposed on out-of-school youths (rule 2337). This section does not apply to families who have received 60 or more countable, cumulative months of assistance.

A sanction is imposed only if conciliation (rule 2374) is unsuccessful or not available. Once a fiscal sanction has been imposed, the sanctioned adult who chooses to demonstrate compliance with program requirements may cure the sanction and have the full grant amount restored (rule 2372). The adult who complies with service component requirements for 12 consecutive months following fiscal sanctions will have the past sanctions forgiven (rule 2373).

When the case manager determines, at any time during the sanctions process, that the sanctioned individual had good cause for the noncompliance, the case manager shall terminate the sanctions. The months of sanction associated with this instance of noncompliance shall not count as months of sanction for the purposes of this section.

For the purposes of this section, the family's financial assistance grant is the amount the family would receive after imposition of sanctions due to noncooperation with the pursuit of child support, if any, but before recoupment of a previous overpayment.

2375.1 Independent Review and Notice (05/01/2014, 13-42)

Before a fiscal sanction is imposed, the district director or the district director's designee shall review the basis for the action. The review shall include consideration of the sanctioned participants circumstances, possible good cause reasons for the noncompliance, the basis for the case managers determination of noncompliance, and the departments compliance with pre-sanction processing requirements.

The sanction process begins with a written notice to the individual at least 10 days before the sanction is scheduled to begin. This notice explains the action being taken, the reason for the action, and the adults right to appeal the decision. The individual then has 90 days in which to request a fair hearing. If the individual requests a fair hearing before the sanction is applied to the grant, the sanction will not be applied while the appeal is pending.

2375.2 Sanction Amounts (05/01/2014, 13-42)

For a first, second, and third cumulative month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$75.00 for each adult subject to a fiscal sanction.

For the fourth cumulative month and any subsequent month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult subject to a fiscal sanction.

Sanctions for Noncompliance

The sanction amount is based upon the cumulative number of months the adult has been sanctioned since July 1, 2001, even if the months are not consecutive. When a financial assistance grant terminates because the amount of the sanction equals or exceeds the grant, that month shall be counted as a month of sanction. When a financial assistance grant terminates because an adult fails to report as required (rule 2375.5), the month the benefits are forfeited shall be counted as a month of sanction.

2375.3 Housing Protection Limitation (07/01/2001, 00-22)

During the first six cumulative months of sanction, the amount of the sanction may be limited to protect the family's ability to pay its housing costs. The department shall consider the family's other countable income available for payment of housing costs. The amount of housing costs protected under this provision equals either the family's actual incurred housing costs or the applicable maximum housing allowance, whichever is less, minus the family's other countable income. The amount of the special needs housing supplement is not included in the determination of the amount of allowable protected housing costs.

If the family's monthly benefit after the imposition of the full sanction amount equals or exceeds its protected housing costs, the grant shall be reduced by the full sanction amount. If the family's protected housing costs are more than this reduced benefit amount, however, the amount of the sanction shall equal either the family's financial assistance grant minus its protected housing costs or zero, whichever is more. Any month when the sanction is zero shall count as a month of sanction.

After the first six cumulative months of sanction, the department shall reduce the family's grant without consideration of the housing protection limitation. If the sanction amount exceeds the grant amount, the financial assistance terminates.

A family that has exhausted its six-month housing protection limitation may be eligible for another six-month housing protection period. To qualify for another housing protection period, the family must have a period of 36 months without sanction for noncompliance with services component requirements following the initial housing protection period. Each of the 36 months must be a month during which the family is not receiving Reach Up financial assistance or a month during which the family is participating in Reach Up without sanction.

2375.4 Vendor Payment of Housing Costs (07/01/2001, 00-22)

The department shall provide housing expenses by vendor payment, paying as much of the incurred housing costs that can be paid from the amount of the grant that remains after sanctions have been applied. The actual housing costs include rent, mortgage, property taxes, allowable maintenance and repairs, and room and board.

If there is any balance remaining after the housing costs are deducted, the remaining amount shall be paid to the family in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.

Sanctions for Noncompliance

2375.5 Meeting with Case Manager (02/01/2009, 08-10)

To receive any financial assistance, including vendor rent payments, a sanctioned adult must meet with the case manager at least once per month and participate in assessments as directed by the case manager. This meeting may take place in the district office, a community location, or in the participant's home, whichever best facilitates the FDP goals. For minor parents, this meeting shall be a home visit completed by the minor parent's case manager. An unexcused failure to meet with the case manager may result in closure of the family's grant and forfeiture of that month's financial assistance.

The purpose of the meeting shall be to assess the individual and develop the family development plan, when such tasks have not been completed; reassess or review and revise the FDP as appropriate; and encourage the participant to cure the sanction.

The meeting with the case manager shall take place by the 16th of each month; otherwise, Reach Up financial assistance terminates, and that month's benefit is forfeited. In any given month, the case manager may waive the meeting requirement if, in the judgment of the case manager, severe illness, death in the family, or other equally compelling reason warrants an exception.

A participant is encouraged to notify the case manager on or before the date of a meeting if unable to attend as scheduled. The case manager shall reschedule the meeting to be held as soon as administratively possible and no later than the 16th of the month.

If the sanctioned individual attends a meeting after the 16th but before the end of a month, benefits for the following month are reinstated at the appropriate sanctioned level, and, if the individual demonstrates good cause for failure to attend the meeting by the 16th, the department will disburse the current month's benefit.

Sanctions – Cure and Forgiveness

2376 Sanctions – Cure and Forgiveness (07/01/2001, 00-22)

Under specific circumstances, current sanctions may be cured, or previous sanctions may be forgiven. Ending current sanctions is referred to in this policy as curing the sanctions (rule 2377). Eliminating past sanctions is referred to in this policy as forgiving the sanctions (rule 2378).

Curing Sanctions

2377 Curing Sanctions (07/01/2001, 00-22)

Curing the sanctions means that the sanctioned adult comes into compliance with services component requirements as required by these rules and sanctions are no longer imposed.

2377.1 Notice of Ability to Cure (07/01/2001, 00-22)

When sanctions are imposed, the department shall immediately provide written notice to affected adults of their ability to cure the sanctions by participating fully and satisfactorily for two weeks in required activities. When a sanctioned individual meets with the case manager, the department shall remind the participant of the option to cure the sanctions.

2377.2 Process to Cure Sanctions (07/01/2001, 00-22)

To demonstrate compliance sufficient to cure the sanctions, the sanctioned adult must comply fully with the applicable FDP activity or employment for a period of two consecutive weeks. The activities the participant must engage in are those that are required of the participant at the time of the sanction, including FDP activities, employment, or increased hours of employment, whichever is applicable.

The department shall restore benefits effective the month the participant completes the two-week period of compliance and remains in compliance as long as at least one month of sanctions has been applied to the familys grant for this failure to comply.

An individual who has been sanctioned for termination from a job without good cause must spend the two-week period of compliance in unsubsidized employment or subsidized employment, if unsubsidized employment is not available. Principal-earner parents may cure their sanctions in the manner specified in this section. When the principal-earner parents sanction is cured, the primary caretaker parent does not have a work requirement. The primary caretaker parent may also cure the sanction by fulfilling the principal-earner's work requirement in unsubsidized employment for at least two weeks, thereby assuming the role of the principal-earner parent. In cases where the primary caretaker parent assumes the role of the principal-earner parent, the parent who was sanctioned no longer has a work requirement but must comply with FDP requirements.

Participants under sanction also cure that status if they have a break in financial assistance of at least one full calendar month. A month in which a participant forfeits benefits due to failure to meet with the case manager does not count as a break in financial assistance benefits.

Participants whose financial assistance is terminated after having received notice but before imposition of a fiscal sanction shall be treated as if an actual sanction was imposed if the family resumes receipt of assistance after having remained off assistance for longer than a full calendar month. In such cases, when the family resumes participation in the Reach Up Program, the department shall treat the individual's past sanction as cured but consider the sanction in any future determinations of sanction amounts or forgiveness of past sanctions.

Forgiveness of Past Sanctions

2378 Forgiveness of Past Sanctions (07/01/2001, 00-22)

Under limited circumstances, past sanctions may be forgiven, and the department will no longer consider them in determining the amount and effect of future sanctions. The forgiveness of past sanctions is only available during the first 60 months a family receives Reach Up financial assistance.

To have prior sanctions forgiven, a participating adult to whom the sanctions were applied must demonstrate 12 consecutive months of compliance with services component requirements. Subsequent acts of noncompliance by the participant who has completed such a successful 12-month sanction forgiveness period shall be calculated without consideration of the forgiven sanctions for that participant.

Notice and Appeal

2380 Notice and Appeal (07/01/2001, 00-22F)

Reach Up Program participants and applicants have a right to notice (rule 2380.1) and appeal (rule 2380.2) of any actions the department takes that are adverse to the individual or required actions the department fails to take (rule 2380.3). The commissioner shall provide notice to all applicants and participants of their right to appeal to the Human Services Board for a fair hearing concerning the departments adverse decisions and shall provide the applicant or participant with notice of the standards and procedures applicable to such appeals. The right to appeal includes the right to request a fair hearing before the Human Services Board.

2380.1 Notice (07/01/2001, 00-22)

The department shall provide all Reach Up Program applicants and participants with written notice of their appeal rights at the time of their application and each time they receive notice of an adverse action or decision by the department. The written notice shall include the reasons for the adverse action or decision, where and how appeals may be initiated, where a person may obtain a copy of the Human Services Board rules, and where to obtain legal assistance.

In cases where the departments action results in termination of eligibility to participate in the program or a reduction in the amount of financial assistance, notice of this change shall be mailed to the participant at least 10 days before the effective date of the adverse action.

2380.2 Appeal (07/01/2001, 00-22)

A request for a fair hearing on an individuals appeal of a departmental decision must be made within 90 days of the mailing date of the notice of decision. A request for a hearing, either oral or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate assistance may preclude the department from implementing the proposed adverse action. Continuing assistance or benefits, recoupment, and retroactive payments are covered in rule 2215.

2380.3 Grounds for Appeal (07/01/2001, 00-22)

Generally, an aggrieved individual may appeal the following adverse actions or failures to take action by the department:

- A. denial of the participants claim for assistance, benefits or services;
- B. failure to act upon a decision with reasonable promptness;
- C. decision that affects the participants receipt of assistance, benefits, or services; and
- D. application of department policy that affects the participants situation.
- E. failure to take an action required by department policy.

Specific examples of participants appeal issues may include, but are not limited to, the following:

- A. imposition of sanctions;
- B. determination of participation status;
- C. denial, reduction, or termination of assistance;

Notice and Appeal

- D. implementation or continuation of protective payments and selection of the protective payment payee (rule 2226.7); and
- E. designation of required provisions of the family development plan.

Solely State-Funded Programs and Separate State Programs

2390 Solely State-Funded Programs and Separate State Programs (04/01/2008, 08-02)

Reach Up is the name of Vermont's Temporary Assistance for Needy Families (TANF) program, funded with federal TANF block grant funds and state TANF maintenance-of-effort (TANF-MOE) funds. States may create financial assistance programs that are funded solely with state funds not claimed as TANF-MOE. These programs are called solely state-funded programs. Reach Up also includes solely state-funded programs that are not part of Vermont's TANF program. States receiving TANF block grants must demonstrate to federal program administrators that a specified percentage of their TANF program's caseload is engaged in work activities (participation rate). Families whose Reach Up financial assistance is paid, in part or in full, with federal TANF or TANF-MOE funds are included in the calculation of Vermont's TANF participation rate. Assistance paid, in part or in full, with federal TANF funds counts toward the 60-month limit on federal TANF assistance. Under federal rules, states may assign some families to separate state programs and some to segregated funds components of their TANF programs. Separate state programs and segregated funds components are funded with state TANF-MOE.

The Vermont legislature has directed the commissioner to create certain solely state-funded and separate state programs as components of Reach Up. Families receiving assistance from a solely state-funded program are not included in the calculation of Vermont's TANF participation rate, while those in the separate state programs component of Reach Up are included. Reach Up law requires the commissioner to establish specified solely state-funded programs and gives the commissioner the discretion to create others by rule.

The mandated state—funded programs are:

- the Postsecondary Education Program (PSE);
- the Parental Nurturing Component of the Reach Up Program;
- the Minor Parent Safety Net Component of the Reach Up Program; and
- the Special Needs Component of the Reach Up Program.

The department determines eligibility and benefits levels for PSE applicants and participants according to Reach Up rules and the rules in 2400-2418. For families in solely state-funded programs other than PSE and families in the separate state program component, the department determines eligibility and benefit levels according to the Reach Up rules in 2200-2380.

Rule 2391 describes the solely state-funded programs component of Reach Up, the families that qualify for them, and limitations on program assignment

Rule 2392 sets forth the rules for determining which families qualify for the hardship exemption from the 60-month limit on federal TANF assistance. If the number of qualifying families exceeds the maximum for whom federal TANF funding is allowed, some may be assigned to a component funded with TANF-MOE or a solely state-funded program.

Rule 2393 specifies the rules for assigning families to solely state-funded programs.

Rule 2394 specifies separate state programs and specifies the rules for assignment to those programs.

Solely State-Funded Programs

2391 Solely State-Funded Programs (04/01/2008, 08-02)

The department shall establish the solely state-funded and separate state programs of Reach Up described in 2391.1-2391.4 and assign families to them, as specified in 2392-2393. Eligible families not assigned to or choosing to participate in separate state or solely state-funded programs remain in TANF-funded Reach Up.

The department shall not assign families to solely state-funded programs if they are eligible to receive TANF-funded assistance and excluded from the calculation of the federal TANF participation rate. The following families are excluded from the participation rate calculation:

- families with no eligible adults;
- families in which at least one adult is sanctioned for noncompliance with Reach Up requirements and has been sanctioned fewer than four of the past twelve months; and
- families not included in the calculation of the federal TANF participation rate because a parent is caring for a child younger than 12 months.

2391.1 Parental Nurturing Component (07/01/2002, 02-07)

In establishing the parental nurturing component, the department seeks to foster parental nurturing of infants and young children in their own homes while preserving their families eligibility for federal TANF assistance. Parents in families assigned to this component continue to move toward self-sufficiency through participation in Reach Up.

Families assigned to this component must include a parent ineligible for a federal exemption from the TANF participation rate calculation who chooses deferment from the Reach Up work requirement to care for a child younger than two (2365).

Assignment to this component is mandatory for qualifying families.

2391.2 Minor Parents' Safety Net Component (04/01/2008, 08-02)

In establishing the minor parents' safety net component, the department seeks to provide a safety net for minor parents ineligible for federal TANF assistance due to noncompliance with the supervised living or participation requirements (2362.2). Minor parents in families assigned to this component continue to move toward self-sufficiency through participation in Reach Up.

Families assigned to this component must include a minor parent sanctioned for noncompliance with the supervised living or participation requirements.

Assignment to this component is mandatory for qualifying families.

2391.3 Special Needs Component (04/01/2008, 08-02)

In establishing the special needs component, the department seeks to provide additional months of financial assistance funded by state not claimed as TANF-MOE for families progressing toward self-sufficiency at a slower pace due to their special needs. Parents in families assigned to this component continue to move toward self-sufficiency through participation in Reach Up.

Solely State-Funded Programs

Families assigned to this component:

- include at least one member who is ineligible for federal TANF assistance due to receipt of 60 or more months of such assistance as an adult and have not been selected for a hardship exemption (rule 2392) from the limit on receipt of federal TANF assistance; or
- are not meeting their federal TANF work requirement.

Assignment to this component is mandatory for families qualifying because they have not been selected for a hardship exemption. Assignment of families to this component because they are not meeting their federal TANF work requirement is limited by the number of families whose assignment is required to meet federal TANF participation rate targets plus 1 percent (rule 2393.1).

2391.4 SSI and SSDI Applicant Component (02/04/2012, 11-04)

At the discretion of the commissioner, the department may operate a solely state-funded program for families with a work-eligible adult who has applied for SSI/AABD and meets the following criteria:

- A. the individual's pending SSI application has been reviewed and is supported by Vermont Vocational Rehabilitation;
- B. the SSI applicant chooses to participate in this program;
- C. the SSI applicant agrees to comply with all Reach Up program rules and understands that while he or she continues to be subject to sanction for failing to comply with family development plan requirements the participant will not be subject to sanction for non-compliance with the work requirement; and
- D. the SSI applicant signs a Recovery of Reach Up Assistance Agreement authorizing the Social Security Administration (SSA) to send the initial SSI/AABD payment to this department so the amount of Reach Up assistance received can be deducted.

Regardless of the amount of the initial SSI/AABD payment, the deduction shall be made for Reach Up assistance issued during the period from the first day of eligibility for SSI/AABD, or the day the Recovery of Reach Up assistance agreement is signed, if later to the date the initial SSI/AABD payment is received by the department. When the SSI/AABD grant does not include all members of the Reach Up household, the deduction shall be for an incremental share of the Reach Up granted and funded with state funds, to reflect only those included in the SSI/AABD grant. An incremental share is the difference between the amount of the Reach Up payment actually made to the family and the Reach Up payment that would have been made had the individual not been included in the grant. The department shall send any remainder due to the SSI/AABD recipient within 10 days. An exception to this provision applies to individual whose SSI/AABD is based on drug addiction or alcoholism. After SSI/AABD is granted and SSA has reimbursed Vermont for Reach Up assistance received, SSA will pay the remainder of the initial SSI/AABD payment to the recipient's representative payee.

Exemption from 60-Month Limit

2392 Exemption from 60-Month Limit (04/01/2008, 08-02)

Under federal law, families in which at least one member has received 60 or more months of federal TANF assistance as an adult are ineligible for such assistance. Federal law also allows states to exempt up to 20 percent of their TANF caseloads from this limit due to hardship.

The maximum number of families the department may exempt from the 60-month limit due to hardship, called the hardship exemption maximum, is 20 percent of the average monthly number of families receiving Reach Up financial assistance during the previous federal fiscal year.

Reach Up families may qualify for a hardship exemption if they meet these criteria:

- at least one member has received 60 or more months of federal TANF assistance as an adult; and
- the family is fully complying with Reach Up requirements, whether or not those requirements are deferred.

If the number of families meeting the hardship exemption criteria does not exceed the hardship exemption maximum, all families meeting the criteria qualify for a hardship exemption.

If the number of families meeting the hardship exemption criteria exceeds the hardship exemption maximum, the department selects families qualifying for the exemption according to the rules in 2393.1.

Assignment to the Solely State-Funded Programs

2393 Assignment to the Solely State-Funded Programs (04/01/2008, 08-02)

The department shall assign families to the separate state and solely state-funded programs components of Reach Up in a fair and equitable manner that fulfills the intent and purpose of the law authorizing the establishment of these components. Rule 2393.1 sets forth the rules for such assignment. The department shall assign cases as early as possible and before the month of actual placement when operationally feasible.

For the purposes of this section, the term grant means the total monthly financial assistance benefits issued to or on behalf of the family during the month for which the assignment is made, not including child support paid directly to the family or recoupment amounts.

When, because of limitations specified in the assignment rules, the department is able to assign some but not all families at a given grant or hours level, the department shall select the required number of families for assignment randomly.

2393.1 Assignment Rules (04/01/2008, 08-02)

Within the limitations specified in 2391-2392, the department shall assign families according to the following rules and in the following order:

- A. The department shall assign families meeting assignment criteria for the parental nurturing component (2391.1) and the minor parents' safety net component (2391.2) to those components.
- B. If they do not meet the criteria for the hardship exemption, the department shall assign families with an adult who has received 60 or more months of TANF assistance to the special needs component (2391.4).
- C. If the number of families meeting the hardship exemption criteria exceeds the hardship exemption maximum (2392), the department shall assign families qualifying for the special needs component or the separate state funds component to that component one-by-one until the number of remaining families meeting the hardship exemption criteria is equal to or less than the hardship exemption maximum, assigning families with the smallest grants first. Families qualifying for both components shall be assigned to the separate state funds component.
- D. If Vermont's average two-parent family participation rate for the current federal fiscal year to-date, including the month for which assignments are being made, is less than the federal target rate plus 1 percent, the department shall assign families with two able-to-work parents who are not meeting their federal TANF work requirements for either rate to the special needs component one-by-one until the target rate plus 1 percent is met, assigning families in order of their grant size with the smallest grants first.
- E. If Vermont's average all-families participation rate for the current federal fiscal year to-date, including the month for which assignments are being made, is less than the federal target rate plus 1 percent, the department shall assign families not meeting their federal TANF work requirements to the special needs component one-by-one until the target rate plus 1 percent is met, assigning families in order of their grant size with the smallest grants first.
- F. At the discretion of the commissioner and when there are sufficient general funds, the department may assign families meeting the criteria for the SSI applicant component (2391.4) to this component.

Assignment to the Solely State-Funded Programs

- G. If, after the department has adequately funded its solely state-funded programs, funds claimed for the TANF-MOE remain available for the separate state programs, other than programs with their own specified appropriation, the department shall assign qualifying families to that separate state program component one-by-one until TANF-MOE funds are exhausted or there are no more qualifying families, assigning families with the smallest grants first.

Separate State Funds Programs

2394 Separate State Funds Programs (02/01/2009, 08-10)

In establishing the separate state funds component of Reach Up, the department seeks to provide work supports and financial assistance funded by TANF-MOE for complying families while preserving their eligibility for federal TANF assistance.

Parents in families assigned to this component must be meeting their federal TANF work requirement.

Assignment of families to this component is limited by availability of TANF-MOE funds.

Child Support Distribution

2395 Child Support Distribution (04/01/2008, 08-02)

Participating parents who receive financial assistance in a solely state-funded or separate state program shall assign all child support rights to the DCF. The participating parent shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents who fail or refuse to apply for services from OCS.

The department will distribute the child support collected for and assigned to it by families in solely state-funded and separate state programs as it does for families in its TANF program whenever administratively feasible and in accordance with established procedures. Any variation from the federal child support distribution plan for TANF families in the solely state-funded or separate state programs' distribution plan shall be to the advantage of the family.