

**TANF Subsidized Summer Employment Program for Youth.
Question and Answer
Appendix B**

CONTRACT/PROCUREMENT/FISCAL

Question #1:

Will these funds allow for the local areas to pay for space (with proper procurement) to house the summer operations?

Response #1:

No.

Question #2:

Can the child, family, and adult community and protective services allocation be used for youth program operation?

Response #2:

The child, family, and adult community and protective services allocation consists of state general revenue funds and may be used to supplement the TANF Subsidized Summer Employment Program for Youth. The county agency must indicate in its PRC plan that it will use these funds and report to ODJFS on a monthly basis.

EMPLOYMENT/UNEMPLOYMENT COMPENSATION/LAYOFFS

Question #1:

Does the youth's employment under the program count towards their minimum number of weeks to collect unemployment?

Response #1:

No, according to the Office of Unemployment Compensation the number of weeks worked by a youth in this program does not count toward the minimum number of weeks to collect unemployment. In order to collect unemployment, the youth must have worked in covered employment. This program is in excluded employment rather than covered employment. Employers must not report any weeks or wages for any youth participating in this program on their quarterly unemployment wage reports. Also, any employer receiving the form, Request to Employer for Separation Information, must complete and return it immediately. In the space provided, indicate that the employment was not covered by an unemployment compensation law. Should a determination of benefits be received that included potential charges based on this employment, contact the Office of Unemployment Compensation immediately upon receipt of the determination and within the appeal period provided.

Question #2:

If the unions agree to summer help, even though employees are laid off, can we place TANF Summer help?

Response #2:

We recommend that you consult your legal counsel for additional guidance on this issue. 42 USC 607(f) prohibits employing or assigning a person in a work activity funded by federal funds when any other individual is on layoff from the same or a substantially equivalent job; or if the employer has terminated the employment of a regular employee or otherwise caused an involuntary reduction of its workforce to fill the vacancy with an adult in a TANF work activity. In addition, Section 5107.65 of the Revised Code addresses the displacement policy for the Ohio Works First program. For additional information, consult Legal Brief 99-05, which was prepared by ODJFS Legal staff - <http://innerweb/ols/briefs/brief9905.pdf>.

Question #3:

Are there a minimum/maximum number of hours the youth can work?

Response #3:

Not under this program; however, all child labor laws and state wage and hour laws apply. An overview of child labor requirements can be found at <http://www.dol.gov/dol/topic/youthlabor/>.

USE OF FUNDS

Question #1:

Can we pay for internal CDJFS staff and temporary staff with this allocation?

Response #1:

A county agency must follow internal management rule 5101:9-6-0.8 of the Administrative Code. The rule defines TANF administrative activities. Those activities may not be charged against this allocation.

Question #2:

Is transportation allowable? Can gas cards be issued as ancillary services to help with transportation costs and/or some sort of other incentive?

Response #2:

Transportation is not allowable. Gas cards are not an allowable cost under this allocation. A county may pay for transportation from another funding source.

Question #3:

There is some discrepancy between Family Assistance Letter #93 and prior communications. What are the allowable expenses under the program, such as uniforms, supplies, admin costs, etc?

Response #3:

Family Assistance Letter #93 supersedes prior communications.

Question #4:

In Family Assistance Letter #93 it states an allowable cost is "payments to employers for wages." Can the local Workforce Investment Board make payment directly to the youth participant, not the employer?

Response #4:

Work subsidies are those paid by the county agency to the employer or third parties to cover the cost of wages and benefits. The Workforce Investment Board can only make payments to the youth if they are the employer of record. If they are not set up to do that then they can hire a third party to pay the youth.

Question #5:

Can physicals for work permits be covered with these funds or is that excluded with health insurance and benefits?

Response #5:

Physicals or other medical services cannot be covered with these funds.

Question #6:

Can we consider purchasing professional dress attire for offices as uniforms?

Response #6:

With the TANF Subsidized Summer Employment Program for Youth allocation, a county may reimburse the employer for purchasing clothing only if it is necessary for the employment.

Question #7:

Is it okay to pay for overtime at time and a half or higher?

Response #7:

This allocation may only be used to provide subsidies for wages up to \$10.00 per hour.

Question #8:

Can the full amount of the subsidy be paid, or 50 per cent?

Response #8:

Yes, a county agency may choose to pay 100% of the wages up to \$10.00 per hour under the TANF Summer Subsidized Employment for Youth program, or may choose to pay a lesser percentage.

Question #9:

School does not end until after June 1, 2010. Therefore, the youth will not be able to start by 6/1/2010. Is this ok?

Response #9:

Our office understands that some school districts will not be finished by June 1; however, county agencies should have contracts in place and be prepared to start as soon as possible.

Question #10:

Can public schools be work sites?

Response #10:

Yes, as long as the direct supervision and training is handled by persons not funded with federal funds or other funds used to match federal funds.

Question #11:

Is it correct that an employer who receives federal funds is not eligible to participate?

Response #11:

No. Direct supervision and training of the youth participating in the program must not be funded with federal funds or other funds used to match with federal funds. As long as this condition is met, the employer may receive federal funds.

Question #12:

Can recruitment and outreach expenses be charged that occurred prior to June 1, 2010?

Response #12:

Costs that are associated with outreach and recruitment activities may be charged against this grant if they occur in May 2010.

PROGRAM ELIGIBILITY

Question #1:

We received an inquiry from a local school district regarding eligibility for youth with a disability. ODE has informed them a youth with a disability is considered a family of 1 when exploring eligibility for the TANF Summer Youth Program. Can you provide clarification and advise on this matter?

Response #1:

A youth with a disability is not considered a family of 1 for this program. The eligibility requirements set forth in Family Assistance Letter #93 apply.

Question #2:

Do in school students need to be finished by the time school starts like WIA Summer Youth?

Response #2:

The county agency has discretion to determine when students may be eligible to participate; however, all child labor laws and regulations apply. The decision should be included in the county agency's PRC plan.

Question #3:

Can we only serve Ohio Works First cash assistance eligible families?

Response #3:

County agencies have the discretion to set forth income eligibility requirements less than the 200% federal poverty level standard. The income eligibility standard must be set forth in the county agency PRC plan.

Question #4:

Can proof of income be determined by a self-declaration?

Response #4:

We do not recommend self-declaration of income. There is a discussion in the preamble to the final TANF regulations (64 FR 17827, April 12, 1999) which states:

...we would note that 45 CFR 92.42 requires states to keep records to document claims and that states should, therefore, have and keep adequate records on eligibility.... States have an inherent interest in ensuring the integrity of their expenditures. Should a state learn of any material deficiency in its method for determining eligibility, we anticipate that the state would rectify it immediately, so that funds for services are properly benefiting members of eligible families.

If a county agency chooses to accept self-declaration of income from an applicant applying for PRC assistance, it is the responsibility of the county agency to ensure that the client statement is documented in the case record. Therefore, a county agency that chooses to accept self-declarations must state this policy within its PRC plan and document such case activity.

Question #5:

Must the youth be current on their child support payments as a condition of eligibility?

Response #5:

Being current on child support obligation is not a federal or state eligibility criterion for this program.

Question #6:

How often should an agency check for eligibility?

Response #6:

Because of the short term nature of this program, the county agency may establish eligibility at application. For all TANF programs, eligibility must be established at least on an annual basis.

Question #7:

Can proof of Ohio Works First be accepted for an actual application? Can we use proof of Medicaid and Food Assistance for eligibility?

Response #7:

Eligibility for the TANF Subsidized Summer Employment Program for Youth may be established by receipt of benefits or services from other programs, as long as the eligibility

criteria establish TANF eligibility. Youth who are the minor child, or who have a minor child and are part of an Ohio Works First assistance group would meet TANF eligibility. Youth in a food assistance or Medicaid assistance group may establish income eligibility, but not necessarily family relationship as set forth in Family Assistance Letter #93. All TANF eligibility criteria must be established for the TANF Subsidized Summer Employment Program for Youth.

Question #8:

Do applicants have appeal rights?

Response #8:

Yes.

REPORTING

Question #1:

Do we need to follow the Workforce Investment Act outcomes and program elements for the TANF Subsidized Summer Employment Program for Youth?

Response #1:

No. Each county may define their own outcomes.

Question #2:

Is this program considered a PRC hard or soft service?

Response #2:

This program is a soft service. No information needs to be entered into CRIS-E; however, soft services will need to be tracked in the PRC web reporting tool (WRT).