

CHAPTER 256K

WORK FIRST PROGRAM PILOT PROJECTS

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256K.01 WORK FIRST PROGRAM.

Subdivision 1. **Citation.** Sections 256K.01 to 256K.09 may be cited as the work first program.

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

(a) "Applicant" means an individual who has submitted a request for assistance and has never received an AFDC, MFIP-S or a family general assistance grant through the MAXIS computer system as a caregiver, or an applicant whose AFDC, MFIP-S or family general assistance application was denied or benefits were terminated due to noncompliance with work first requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. Establishing work first program. The commissioners of human services and economic security may develop and establish pilot projects which require applicants for aid under AFDC, MFIP-S or family general assistance to meet the requirements of the work first program. The purpose of the program is to:

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

Subd. 4. Program administration. The program must be administered in a way that, in addition to the county agency, other sectors in the community such as employers from the public and private sectors, not-for-profit organizations, educational and social service agencies, labor unions, and neighborhood associations are involved.

Subd. 5. Program design. The program shall meet the following principles:

- (1) work is the primary means of economic support;
- (2) the individual's potential is reviewed during the application process to determine how to approach the job market aggressively;
- (3) public aid such as cash and medical assistance, child care, child support assurance, and other cash benefits are used to support intensive job search and immediate work; and
- (4) maximum use is made of tax credits to supplement income.

Subd. 6. Duties of commissioner. In addition to any other duties imposed by law, the commissioner shall:

- (1) establish the program according to sections 256K.01 to 256K.09 and allocate money as appropriate to pilot counties participating in the program;
- (2) provide systems development and staff training;
- (3) accept and supervise the disbursement of any funds that may be provided from other sources for use in the demonstration program; and
- (4) direct a study to safeguard the interests of children.

Subd. 7. Duties of county agency. The county agency shall:

- (1) collaborate with the commissioners of human services and economic security and other agencies to develop, implement, and evaluate the demonstration of the work first program;
- (2) operate the work first program in partnership with private and public employers, local industry councils, labor unions, and employment, educational, and social service agencies, according to subdivision 4; and
- (3) ensure that program components such as client orientation, immediate job search, job development, creation of temporary public service jobs, job placements, and postplacement follow-up are implemented according to the work first program.

Subd. 8. Duties of participant. To be eligible for an AFDC, MFIP-S or family general assistance benefit, a participant shall cooperate with the county agency, the provider, and the participant's employer in all aspects of the program.

History: 1997 c 85 art 2 s 1

256K.015 ELIGIBILITY FOR WORK FIRST.

To be eligible for work first, an applicant must meet the eligibility requirements of AFDC or MFIP-S, whichever is in effect in the county, to the extent that those requirements are not inconsistent with this chapter.

History: 1997 c 85 art 2 s 2

256K.02 PROGRAM PARTICIPANTS; PROGRAM EXPECTATIONS.

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

History: 1997 c 85 art 2 s 3

256K.03 PROGRAM REQUIREMENTS.

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

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

Subd. 2. Program orientation. The county must give a face-to-face orientation regarding the program to the applicant within five days after the date of application. The orientation must be designed to inform the applicant of:

- (1) the importance of locating and obtaining a job as soon as possible;
- (2) benefits to be provided to support work;
- (3) the manner by which benefits shall be paid;
- (4) how other supportive services such as medical assistance, child care, transportation, and other work-related aid shall be available to support job search and work;
- (5) the consequences for failure without good cause to comply with program requirements; and
- (6) the appeal process.

Subd. 3. Job search plan; employment advisor; financial specialist. At the end of orientation, the provider must assign an employment advisor and a financial specialist to the applicant. With advice from the employment advisor, the applicant must develop a job search plan based on existing job markets, prior employment, work experience, and transferable work skills, unless exempt under subdivision 5. A job search must be planned and conducted

for a period of up to eight consecutive weeks from the date of application and for at least 32 hours per week. The types of and target number of job openings to be pursued per week must be written in the job search plan. The following activities may be included in the job search plan:

- (1) motivational counseling;
- (2) job networking or training on how to locate job openings;
- (3) development of a personal resume; and
- (4) information on how to conduct job interviews and establish a personal job network.

Following the development of the job search plan or the employability development plan under subdivision 8, the financial specialist must interview the applicant to determine eligibility for and the extent of benefits under sections 256K.06 and 256K.07 to support the job search or employability development plan. The provider must attach to the appropriate plan the summary of the necessary enabling services and benefits to be furnished by the provider. The provider or its representative and the applicant must sign the plan, with its attachment, to indicate a self-sufficiency agreement between the provider and the participant.

Subd. 4. Immediate job search. An applicant must be required to begin job search within seven days after the date of application for at least 32 hours per week for up to eight weeks, unless exempt under subdivision 5 or deferred under subdivision 8. For an applicant who is working at least 20 hours per week, job search shall consist of 12 hours per week for up to eight weeks. Within the first five days of job search, the applicant is required to initiate informational contacts with prospective employers, generate additional job leads from the job network, review references and experiences from previous employment, and carry out the other activities under the job search plan developed under subdivision 3.

Subd. 5. Exemption categories. (a) The applicant will be exempt from the job search requirements and development of a job search plan and an employability development plan under subdivisions 3, 4, and 8 if the applicant belongs to any of the following groups:

- (1) individuals who are age 60 or older;
- (2) individuals who are suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment. Persons in this category with a temporary illness, injury, or incapacity must be reevaluated at least quarterly;
- (3) caregivers whose presence in the home is needed because of the professionally certified illness or incapacity of another member in the assistance unit, a relative in the household, or a foster child in the household;
- (4) women who are pregnant, if the pregnancy has resulted in a professionally certified incapacity that prevents the woman from obtaining and retaining employment;
- (5) caregivers of a child under the age of one year who personally provide full-time care for the child. This exemption may be used for only 12 months in a lifetime. In two-parent households, only one parent or other relative may qualify for this exemption;
- (6) individuals who are single parents or one parent in a two-parent family employed at least 35 hours per week;
- (7) individuals experiencing a personal or family crisis that makes them incapable of participating in the program, as determined by the county agency. If the participant does not agree with the county agency's determination, the participant may seek professional certification, as defined in section 256J.08, that the participant is incapable of participating in the program. Persons in this exemption category must be reevaluated every 60 days; or
- (8) second parents in two-parent families employed for 20 or more hours per week provided the first parent is employed at least 35 hours per week.

(b) A caregiver who is exempt under clause (5) must enroll in and attend an early childhood and family education class, a parenting class, or some similar activity, if available, during the period of time the caregiver is exempt under this section. Notwithstanding section 256J.46, failure to attend the required activity shall not result in the imposition of a sanction.

Subd. 6. County duties. The county must act on the application within 30 days of the application date. If the applicant is not eligible, the application will be denied and the county must notify the applicant of the denial in writing. An applicant whose application has been

denied may be allowed to complete the job search plan; however, supportive services will not be provided.

Subd. 7. Job search plan status report. The applicant or participant must submit a completed job search plan status report form to the employment advisor every two weeks during the job search process, with the first completed form due 21 days after the date of application.

Subd. 8. Employability development plan. At the discretion and approval of the employment advisor, the applicant may be deferred from the requirement to conduct at least 32 hours of job search per week for up to eight consecutive weeks, if during the development of the job search plan, the applicant is determined to:

(1) not have worked within the past 12 months and not have a high school or a general equivalency diploma provided the applicant agrees to develop and carry out an employability development plan instead of job search, and concurrently work for at least 16 hours per week in a temporary public service job. The employability development plan must include the employment goals and specific outcomes the participant must achieve;

(2) be within six months of completing any post-secondary training program, provided that the applicant agrees to develop and carry out an employability development plan instead of a job search, and concurrently work for a minimum number of hours per week in a temporary public service job. The employability development plan must include the employment goal and specific outcomes that the participant must achieve. The applicant that is deferred under this subdivision may choose to work in a job other than a public service job for a minimum number of hours per week rather than in a temporary public service job. For individuals who are participating in an educational program under this clause, and who are attending school full time as determined by the institution, there is no work requirement. For individuals participating in an educational program on a part-time basis as determined by the institution, the minimum number of hours that a participant must work shall be decreased as the participant increases the number of credit hours taken, except that the participant shall not be required to work more than eight hours per week.

During vacation periods of one month or more, the 16-hour per week minimum work requirement shall apply. The applicant may be deferred for up to six months. At the end of the deferment period, the participant must develop a job search plan and conduct at least 32 hours of job search per week for up to eight consecutive weeks, and submit reports as required under subdivisions 3 and 4; or

(3) be in treatment for chemical dependency, be a victim of domestic abuse, or be homeless, provided that the applicant agrees to develop an employability development plan instead of a job search plan, and immediately follow through with the activities in the employability development plan. The employability development plan must include specific outcomes that the applicant must achieve for the duration of the employability development plan and activities which are needed to address the issues identified. Under this clause, the applicant may be deferred for up to eight weeks.

Subd. 9. EDP status report. The participant who is deferred from job search under subdivision 8 must submit a completed employability development plan status report form to the employment advisor every 14 days as long as the participant continues to be deferred, with the first completed form due 21 days after the date of application.

Subd. 10. Job offer. The participant must not refuse any job offer, provided that the job is within the participant's physical and mental abilities, pays hourly gross wages of not less than the applicable state or federal minimum wage, and meets health and safety standards set by federal, state, and county agencies. If a job is offered, the participant must inform the provider immediately to redetermine eligibility for and extent of benefits and services to support work. To enhance job retention, the provider may provide services such as motivational counseling or on-site problem solving for up to six months. The participant who has completed at least six months of work in a nonsubsidized job shall be encouraged to participate in a training program that would improve the participant's ability to obtain a job that pays a higher wage.

Subd. 11. Duty to report. The participant must immediately inform the provider regarding any changes related to the participant's employment status.

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

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

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

History: 1997 c 85 art 2 s 4; 1998 c 407 art 6 s 109

256K.04 JOB DEVELOPMENT AND SUBSIDY.

Subdivision 1. Job inventory. The provider must develop an inventory of job openings including full-time, part-time, permanent, temporary or seasonal, and training positions in partnership with private and public employers, local industry councils, and employment agencies. To the extent possible, the inventory must include specific information regarding job openings, must be updated on a weekly basis, and must be available to all participants on a daily basis.

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

(1) the job to be subsidized is permanent and full time, and pays an hourly rate of at least \$6 per hour;

(2) the employer agrees to retain the participant after satisfactory completion of the work experience or training period; and

(3) the participant has first tried to secure a nonsubsidized job by following the job search plan.

The subsidy may be available for up to six months.

History: 1997 c 85 art 2 s 5

256K.05 TEMPORARY JOBS PROGRAM.

Subdivision 1. Program established. The provider must establish and operate a program to provide temporary jobs to participants who, after eight weeks of job search, are not hired into a nonsubsidized or a subsidized job, or are deferred under section 256K.03, subdivision 8. The temporary jobs to be created under this section must be public service jobs that serve a useful public service such as: health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, community service, services to the aged or disabled citizens, and child care.

Subd. 2. Assignment to temporary public service jobs. The provider must assign the participant who (1) is within completion of the required eight weeks of job search and has failed to secure a nonsubsidized or a subsidized job for at least 32 hours per week, or (2) does not earn a net income from self-employment that is equal to at least the AFDC, MFIP-S or family general assistance monthly grant for the household size, whichever is applicable, to a temporary public service job. The assignment must be made seven days before the end of the job search and be based on section 256K.03, subdivision 12. The participant that is deferred under section 256K.03, subdivision 8, will be assigned by the provider to a temporary public service job within seven days after the application.

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

Subd. 4. **Continuous job search requirement.** At the discretion of the provider, the participant who is working in a temporary public service job under section 256K.03, subdivision 12, may be required to continue to look for a job for up to eight hours per week in addition to working. The participant who is working at least 20 hours per week but less than 32 hours per week in a nonsubsidized or subsidized job may be required to look for a job for up to 20 hours per week in lieu of work in the temporary public service job so that the total hours of work and job search is not more than 40 hours per week.

Subd. 5. **Excused absences.** The participant who is working in a temporary public service job may be allowed excused absences from the assigned temporary job site up to eight hours per month. For purposes of this subdivision, "excused absence" means absence due to temporary illness or injury of the caregiver or a member of the caregiver's family, the unavailability of appropriate child care or unavailability of transportation needed to go to and from the work site, a job interview, or a nonmedical emergency. For purposes of this subdivision, "emergency" means a sudden, unexpected occurrence or situation of a serious or urgent nature that requires action.

Subd. 6. **Move to a different county.** If the applicant or recipient who is required to participate in the work first program moves to a different county in this state, the benefits and enabling services agreed upon in the self-sufficiency agreement shall be provided by the pilot county where the applicant or recipient originated, provided the move was part of the job search or employability development plan. If the applicant or recipient is moving to a different county for failure to comply with the requirements of the work first program, the applicant or recipient will not be eligible for MFIP-S in this state for at least six months from the date of the move.

History: 1997 c 66 s 80; 1997 c 85 art 2 s 6

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

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

History: 1997 c 85 art 2 s 7

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

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

History: 1997 c 85 art 2 s 8

256K.08 SANCTIONS AND APPEAL PROCESS.

Subdivision 1. **Good cause.** (a) For purposes of this subdivision, "good cause" means absence due to temporary illness or injury of the participant or a member of the participant's

family, the unavailability of appropriate child care or unavailability of transportation needed to attend orientation or conduct job search, or a nonmedical emergency as defined under section 256K.05, subdivision 5.

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

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

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

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

Subd. 2. Notice of sanctions. If the county determines that the participant has failed or refused without good cause, as defined in subdivision 1, to cooperate with the program requirements, the county shall inform the participant in writing of its intent to impose an applicable sanction listed under subdivision 1 and the opportunity to have a conciliation conference upon request and within five days of the notice before a sanction is imposed.

History: 1997 c 85 art 2 s 9

256K.09 FUNDING.

Subdivision 1. Leveraging grant amount to secure other funds. The county agency or the provider, in cooperation with the department, may leverage the grant amount to secure other funds from employers, foundations, and the community for the purpose of developing additional components to benefit children and improve the program.

Subd. 2. Employer reimbursement. The employer shall be reimbursed for wages paid to participants under section 256K.04, subdivision 2.

History: 1997 c 85 art 2 s 10