

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 239B.4 and 239B.8, the Department of Human Services amends Chapter 41, “Granting Assistance,” and Chapter 93, “PROMISE JOBS Program,” Iowa Administrative Code.

These amendments provide program clarifications and add consistency for monthly reporting of time and attendance for participants within two programs that utilize the Temporary Assistance for Needy Families (TANF) federal block grant, specifically: the Family Investment Program (FIP) and the Promoting Independence and Self-Sufficiency through Employment, Job Opportunities and Basic Skills (PROMISE JOBS) Program.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0914C** on August 7, 2013. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on October 9, 2013.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217). After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 239B.4 and 239B.8.

These amendments will become effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 441—41.24(239B) as follows:

**441—41.24(239B) Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program.** ~~An application for assistance constitutes a registration for the program for all members of the family investment program (FIP) case. Persons who are not exempt from referral to PROMISE JOBS~~ All persons in a family investment program (FIP) household shall be referred to the PROMISE JOBS program and shall enter into a family investment agreement (FIA) as a condition of receiving FIP, unless exempt from referral, except as described at subrule ~~41.24(8)~~ 41.24(2).

**41.24(1) Referral to PROMISE JOBS FIA-responsible persons.** ~~The following persons are FIA-responsible unless the department determines the person is exempt:~~

~~a. All persons whose needs are included in a grant under the FIP program shall be referred to PROMISE JOBS as FIA-responsible persons unless the department determines the persons are exempt.~~

~~b. Any parent living in the home of a child receiving a grant shall also be referred to PROMISE JOBS as an FIA-responsible person unless the department determines the person is exempt.~~

~~c. All FIP applicants shall be referred to PROMISE JOBS as FIA-responsible persons unless the department determines that the person applicant is exempt or does not meet other FIP eligibility requirements.~~

~~d. Applicants who have chosen and are in an active limited benefit plan that began on or after June 1, 1999, (LBP). FIA-responsible applicants in an active limited benefit plan shall complete significant contact with or action in regard to PROMISE JOBS as described at paragraphs 41.24(8)“a”“d” and “d”“e” for FIP eligibility to be considered. For two-parent households, both parents must participate as previously stated except when one parent meets the exemption criteria described at subrule 41.24(2) is exempt. Exceptions:~~

(1) The applicant has become exempt from PROMISE JOBS.

(2) The applicant is in a subsequent limited benefit plan and it is prior to the last day of the six-month period of ineligibility.

**41.24(2) and 41.24(3)** No change.

41.24(4) Method of referral. The department shall refer each FIA-responsible person as defined at subrule 41.24(1) to PROMISE JOBS to sign a family investment agreement.

a. FIA-responsible applicants. While the eligibility decision is pending, applicants in a limited benefit plan that began on or after June 1, 1999, shall receive a letter which contains information about the need to complete significant contact with or action in regard to the PROMISE JOBS program to be eligible for FIP assistance and the procedure for being referred to the PROMISE JOBS program. During the application interview, the department shall notify the applicant of the requirement to sign a family investment agreement as a condition of FIP eligibility. The department shall refer the applicant by scheduling the applicant for an appointment with the PROMISE JOBS provider agency to develop the family investment agreement.

(1) The appointment shall be on the earliest available date but no later than ten calendar days from the date of referral unless the applicant requests an appointment on a day that is beyond ten calendar days. The PROMISE JOBS provider agency shall make sufficient appointment times available to allow the applicant to be scheduled within this time frame.

(2) The applicant shall be notified verbally and in writing of the scheduled appointment. If the notice of a scheduled appointment is mailed to the applicant, the department shall allow at least five working days from the date the notice is mailed for the applicant to appear for the scheduled appointment. The department may allow less than five working days if the applicant is verbally notified and agrees to the appointment.

(3) If a parent fails to appear for an appointment without rescheduling or fails to sign a family investment agreement, the department shall deny FIP assistance for the entire family.

(4) If a minor parent fails to appear for an appointment without rescheduling or fails to sign a family investment agreement, the department shall deny FIP assistance for the minor parent and any child of the minor parent.

(5) If a referred person who is not a parent fails to appear for an appointment without rescheduling or fails to sign a family investment agreement, the department shall deny FIP assistance only for that person.

b. Hardship applicants. While the eligibility decision is pending, the department shall refer applicants who must qualify for a hardship exemption before approval of FIP to PROMISE JOBS to sign a family investment agreement as described in paragraph 41.24(4)“a” and shall be treated treat applicants in accordance with subrule 41.30(3).

c. Applicants in a limited benefit plan. Each person required to be referred to PROMISE JOBS as described at subrule 41.24(1) must meet with PROMISE JOBS staff and sign an FIA. The department shall refer FIA-responsible applicants to PROMISE JOBS as described in paragraph 41.24(4)“a” and inform the applicant of the actions needed to reconsider and end the limited benefit plan as described at subrule 41.24(8). Failure to appear for the appointment without rescheduling or failure to sign a family investment agreement results in denial of the FIP application.

(1) For an applicant filing an application on or after September 1, 2004, the FIA must be signed before FIP approval, as a condition of eligibility. If a parent fails to sign an FIA, the entire family is ineligible for FIP. If a referred person who is not a parent fails to sign an FIA, only that person is ineligible.

(2) When a FIP participant loses exempt status, the FIP participant shall receive a letter which contains information about participant responsibility under PROMISE JOBS and the FIA and instructs the FIP participant to contact PROMISE JOBS within ten calendar days to schedule the PROMISE JOBS orientation.

d. FIP participants who become FIA-responsible. When a person receiving FIP is no longer exempt, the department shall send the FIP participant a notice. The notice shall contain information about the requirement to sign a family investment agreement and shall instruct the FIP participant to contact PROMISE JOBS within ten calendar days to schedule an appointment with PROMISE JOBS to develop a family investment agreement. If the participant fails to schedule or attend the appointment or fails to sign a family investment agreement, PROMISE JOBS will send a clear written reminder.

After one written reminder as described at 441—paragraph 93.3(3) “b,” the participant shall enter into a limited benefit plan as described at paragraph 41.24(8) “c.”

**41.24(5) Changes in status and redetermination of exempt status.** Any exempt person shall report any change affecting the exempt status to the department within ten days of the change. The department shall reevaluate exempt persons when changes in status occur and at the time of six-month or annual review. The ~~recipient~~ participant and the PROMISE JOBS unit shall be notified of any change in a ~~recipient’s~~ participant’s exempt status.

**41.24(6) and 41.24(7)** No change.

**41.24(8) The limited benefit plan (LBP).** When a participant responsible for signing and meeting the terms of a family investment agreement as described at rule 441—93.4(239B) chooses not to sign or fulfill the terms of the agreement, the FIP assistance unit or the individual participant shall enter into a limited benefit plan. A limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued to the participant as defined at 441—subrule 7.7(1). Once the limited benefit plan is imposed, FIP eligibility no longer exists as of the first of the month after the month in which timely and adequate notice is given to the participant. Upon the issuance of the notice to impose a limited benefit plan, the person who chose the limited benefit plan can reconsider and end the limited benefit plan, but only as described at ~~paragraph~~ paragraphs 41.24(8) “d:” and “e.” ~~A participant who is exempt from PROMISE JOBS is not subject to the limited benefit plan.~~

a. A limited benefit plan shall either be a first limited benefit plan or a subsequent limited benefit plan. From the effective date of ~~the a first~~ limited benefit plan, ~~for a first limited benefit plan,~~ the FIP ~~household eligible group or individual participant~~ shall not be eligible until the participant who chose the limited benefit plan completes significant contact with or action in regard to the PROMISE JOBS program as defined in paragraph 41.24(8) “d.” If a subsequent limited benefit plan is chosen by the same participant, a six-month period of ineligibility applies to the FIP eligible group or individual participant and ineligibility continues after the six-month period is over until the participant who chose the ~~LBP~~ limited benefit plan completes significant contact with or action in regard to the PROMISE JOBS program as defined in paragraph 41.24(8) “d.” “e.” A limited benefit plan imposed in error as described in paragraph 41.24(8) “~~f~~” “g” shall not be considered a limited benefit plan and shall not count when determining whether a household is subject to a subsequent limited benefit plan. ~~A limited benefit plan is considered imposed when timely and adequate notice is issued establishing the limited benefit plan.~~

b. The limited benefit plan shall be applied to participants responsible for the family investment agreement and other members of the participant’s family as follows:

(1) to (3) No change.

(4) When the FIP eligible group includes children who are ~~mandatory PROMISE JOBS participants~~ FIA-responsible, the children shall not have a separate family investment agreement but shall be asked to sign the eligible group’s family investment agreement and to carry out the responsibilities of that family investment agreement. A limited benefit plan shall be applied as follows:

1. When the parent or needy specified relative responsible for a family investment agreement meets those responsibilities but a child who is ~~a mandatory PROMISE JOBS participant~~ FIA-responsible chooses an individual limited benefit plan, the limited benefit plan shall apply only to the individual child choosing the plan.

2. When the child who chooses a limited benefit plan under numbered paragraph 41.24(8) “b”(4) “1” ~~above~~ is the only child in the eligible group, the parents’ or needy specified relative’s eligibility ceases in accordance with subrule 41.28(1). The parents or needy specified relative shall become ineligible beginning with the effective date of the child’s limited benefit plan.

(5) When the FIP eligible group includes parents or needy specified relatives who are exempt from PROMISE JOBS participation and children who are ~~mandatory PROMISE JOBS participants~~ FIA-responsible, the children are responsible for completing a family investment agreement. If a child who is ~~a mandatory PROMISE JOBS participant~~ FIA-responsible chooses the limited benefit plan, the limited benefit plan shall be applied in the manner described in subparagraph 41.24(8) “b”(4).

(6) No change.

c. A participant shall be considered to have chosen a limited benefit plan under any of the following circumstances:

(1) A participant who loses exempt status and is referred to PROMISE JOBS as described at paragraph 41.24(4)“d” and who does not establish schedule or attend an orientation appointment for orientation and development of a family investment agreement with the PROMISE JOBS program as described at 441—paragraph 93.3(3)“b” or who fails to keep or reschedule an orientation appointment shall receive after PROMISE JOBS sends one clear written reminder letter as described at 441—paragraph 93.3(3)“b” shall enter into the limited benefit plan which informs the participant that those who do not attend orientation have elected to choose the limited benefit plan. A participant who does not establish an orientation appointment within ten calendar days from the mailing date of the reminder letter or who fails to keep or reschedule an orientation appointment shall receive notice establishing the limited benefit plan. Timely and adequate notice provisions as in 441—subrule 7.7(1) apply.

(2) A participant who chooses not to sign the family investment agreement after attending a PROMISE JOBS program orientation shall enter into the limited benefit plan as described in subparagraph (1). For an applicant, signing a family investment agreement is a FIP eligibility requirement. If an applicant chooses not to sign the agreement, the limited benefit plan process is not applicable.

(3) A participant who signs a family investment agreement but does not carry out the family investment agreement responsibilities shall be deemed to have chosen a limited benefit plan as described in subparagraph (1), enter into a limited benefit plan whether the person signed the agreement as a FIP applicant or as a FIP participant. This includes a participant who fails to respond to the PROMISE JOBS worker’s request to renegotiate the family investment agreement when the participant has not attained self-sufficiency by the date established in the family investment agreement. A limited benefit plan shall be imposed regardless of whether the request to renegotiate is made before or after expiration of the family investment agreement.

d. to f. No change.

g. Limited benefit plan imposed in error. A limited benefit plan imposed in error shall not be considered a limited benefit plan. This includes any instance when participation in PROMISE JOBS should not have been required as described in the administrative rules. Examples of instances when an error has occurred are:

(1) No change.

(2) It is verified that the person considered to have chosen the limited benefit plan moved out of state or requested cancellation of FIP prior to the date that PROMISE JOBS determined the limited benefit plan was chosen.

(3) to (5) No change.

h. No change.

**41.24(9)** No change.

**41.24(10)** *Notification of services.*

a. to d. No change.

e. The department shall explain the LBP and the process by which FIA-responsible persons and mandatory PROMISE JOBS participants can choose the LBP or individual LBP.

f. and g. No change.

**41.24(11)** *Implementation.* A limited benefit plan imposed effective on or after June 1, 1999, shall be imposed according to the revised rules becoming effective on that date. A limited benefit plan imposed effective on or before May 1, 1999, shall be imposed subject to the previous rules for the limited benefit plan. For a person who is in a limited benefit plan on May 1, 1999, the terms of the person’s existing limited benefit plan shall continue until that limited benefit plan either ends or is lifted in accordance with previous limited benefit plan rules. A participant who chose a limited benefit plan under the previous policy and who then chooses a limited benefit plan that becomes effective on or after June 1, 1999, shall be subject to a subsequent limited benefit plan under the provisions of the revised rules.

ITEM 2. Amend subrule 93.3(2) as follows:

**93.3(2) Referral.** The department of human services shall refer all FIA-responsible persons from FIP applicant and ~~recipient~~ participant households to PROMISE JOBS pursuant to 441—subrule 41.24(1) 41.24(4).

ITEM 3. Amend subrule 93.3(3) as follows:

**93.3(3) Initial appointment.**

*a. FIP applicants.* FIP applicants, including those who are in a limited benefit plan, shall be offered an appointment with the PROMISE JOBS provider agency for assessment and FIA development at the earliest available time. The provider agency shall make sufficient appointment shall be times available to allow the applicant to be scheduled no later than ten calendar days after the date of the notice that FIA responsibility has begun, as required by rule 441—93.4(239B) and 441—paragraphs 41.24(1) “c,” 41.24(1) “d,” and 41.24(10) “g.”

~~(1) At the time of referral, applicants shall be notified verbally and hand-issued the notice of a scheduled appointment for FIA development.~~

~~(2) If the notice of appointment cannot be hand-issued, at least five working days shall be allowed from the date notice is mailed for an applicant to appear for the scheduled appointment for orientation and FIA development unless the applicant agrees to an appointment that is scheduled to take place in less than five working days.~~

*b. Exempt status change.* ~~Persons from FIP participant households who are referred to PROMISE JOBS become FIA-responsible while receiving FIP shall initiate PROMISE JOBS assessment orientation and FIA development by contacting the appropriate PROMISE JOBS office to schedule an appointment within ten calendar days of the mailing date of the notice letter explaining that exempt status has been lost and FIA responsibility has begun, as required by 441—subrule 41.24(5). If the person fails to schedule an appointment or fails to appear for an appointment, PROMISE JOBS shall send one written reminder that informs the person that those who do not develop a family investment agreement shall enter into a limited benefit plan. If the person fails to schedule an appointment within ten calendar days of the reminder letter or fails to appear for an appointment scheduled after the reminder is sent, the person shall enter into a limited benefit plan as described at 441—paragraph 41.24(8) “c.”~~

ITEM 4. Amend paragraph **93.4(6)“a”** as follows:

*a. FIP applicants.* An applicant’s failure to develop or sign an FIA shall result in denial of the family’s application for FIP assistance, as described at 441—~~paragraph 41.24(4)“e.”~~ 441—paragraphs 41.24(4) “a,” “b” and “c.”

ITEM 5. Amend subrule 93.6(2) as follows:

**93.6(2) Individual job search.** Individual job search shall be available to all participants for whom job club is not appropriate or not available, such as, but not limited to, participants, particularly those who have completed training or have recent ties with the workforce, have successfully removed or reduced barriers to work, or have completed job club or training and are now ready to work. ~~The total period for each episode of individual job search shall not exceed 12 weeks or three calendar months. If after three calendar months the participant still has not found employment, the worker shall review the participant’s situation for possible barriers to employment or possible need for training to increase the participant’s employability. Job search may continue if appropriate, but linking with other activities should be considered.~~

*a. Job search plan.* In consultation with the PROMISE JOBS worker, the participant shall design and provide a written plan of the individual job search activities on Form 470-4481, Job Search Plan Agreement. The plan shall:

(1) Contain a designated period for job search not to exceed five weeks ending on a Friday within the same calendar month and the specific methods for finding job openings.

(2) to (4) No change.

*b. to d.* No change.

ITEM 6. Amend paragraph **93.9(2)“b”** as follows:

*b.* ~~Acceptance~~ Inclusion of family development services by participants as a family investment agreement activity is voluntary except for unmarried parents aged 17 and younger who do not live with a parent or legal guardian as described at subparagraph 93.4(4)“c”(4).

ITEM 7. Amend paragraph **93.10(2)“c”** as follows:

*c.* Documentation of job search. The participant shall complete and provide documentation of any job search activities that cannot be ~~documented~~ verified by the PROMISE JOBS worker. The participant shall provide Form 470-3099, Job Search Record, within five working ten calendar days after the last working day of any week following the end of each month during which the participant has made a job search. The PROMISE JOBS worker shall consider the Job Search Record complete if the form includes:

(1) to (4) No change.

ITEM 8. Amend subrule 93.13(2) as follows:

**93.13(2) Participation issues.** Actions that may cause participants to be considered as having chosen the limited benefit plan when the participant does not have a problem or barrier to participation as defined at paragraph 93.4(5)“a” or rule 441—93.14(239B) are:

*a. to h.* No change.

*i.* Employment and other work activity issues. Participants who do not follow up on job referrals, who refuse offers of employment or other work activity, who reduce hours of employment or other work activity, who terminate employment or other work activity, or who are discharged from employment or other work activity due to misconduct.

(1) and (2) No change.

*j. to n.* No change.

ITEM 9. Amend subrule 93.14(1) as follows:

**93.14(1) Problems leading to less than full participation.** Problems affecting participation shall be considered to be of a temporary or incidental nature when the participation can easily be resumed. The following problems may provide good cause for participation of less than the full number of hours identified in the FIA. PROMISE JOBS may require the participant to provide verification of the problem or barrier as described at subrule 93.10(3):

*a. to j.* No change.

ITEM 10. Amend subrule 93.14(2) as follows:

**93.14(2) Problems leading to refusing or quitting a job or limiting or reducing hours.** The following problems may provide good cause for participation issues of refusing or quitting a job or limiting or reducing hours. PROMISE JOBS may require the participant to provide verification of the problem or barrier as described at subrule 93.10(3):

*a. to n.* No change.

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