

TITLE IX
WORK INCENTIVE DEMONSTRATION
 CHAPTER 93
 PROMISE JOBS PROGRAM
 [Prior to 7/1/89, see 441—Chapters 55, 59 and 90]

DIVISION I
 FAMILY INVESTMENT PROGRAM—CONTROL GROUP
 [Rescinded IAB 2/12/97, effective 3/1/97]

441—93.1 to 93.100 Reserved.

DIVISION II
 FAMILY INVESTMENT PROGRAM—TREATMENT GROUP
 [Prior to 10/13/93, 441—93.1(249C) to 93.52(249C)]

PREAMBLE

This chapter implements the PROMISE JOBS* program which is designed to increase the availability of employment and training opportunities to family investment program (FIP) recipients. It implements the family investment agreement (FIA) as directed in legislation passed by the Seventy-fifth General Assembly and signed by the governor on May 4, 1993, and approved under federal waiver August 13, 1993. The program also implements the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Title I—Block Grants for Temporary Assistance for Needy Families (TANF).

The program assigns responsibility for the provision of services to the Iowa department of workforce development (IWD) and IWD's subcontractors as appropriate. In addition, the bureau of refugee services (BRS) of the department of human services is assigned the responsibility of providing program services, to the extent compatible with resources available, to all refugees.

PROMISE JOBS services, which are also FIA options, include but are not limited to orientation, assessment, job-seeking skills training, group and individual job search, classroom training programs ranging from basic education to postsecondary education opportunities, entrepreneurial training, PROMISE JOBS on-the-job training, work experience, unpaid community service, parenting skills training, life skills training, monitored employment, referral for family planning counseling, and FaDSS or other family development services. In addition, applicants and participants have access to all services offered by IWD and its subcontractor provider agencies. Persons in other work and training programs outside of PROMISE JOBS or not approvable by PROMISE JOBS can use those as FIA options as rules allow.

441—93.101(239B) Program area. The department of human services shall administer an employment and training program known as PROMISE JOBS. The PROMISE JOBS program shall include the family investment agreement (FIA). The program shall be available statewide. If the department determines that sufficient funds are not available to offer on-location services in each county, it shall prioritize the availability of services in those counties having the largest FIP populations.

441—93.102(249C) Agency responsibility for provision of each service. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.103(239B) Contracts with provider agencies for provision of services. The department of human services shall contract with the department of workforce development to provide PROMISE JOBS and FIA services.

93.103(1) Services shall include, but are not limited to, orientation, assessment, job-seeking skills training, group and individual job search, job placement and job development, high school completion,

*See definition in 441—40.21(239B)

adult basic education (ABE), general educational development (GED), English as a second language (ESL), vocational classroom training, postsecondary education including entrepreneurial training, PROMISE JOBS on-the-job training (OJT), work experience, unpaid community service, parenting skills training, life skills training, monitored employment, FaDSS or other family development services, and referral for family planning counseling.

93.103(2) The bureau of refugee services shall provide PROMISE JOBS services, to the extent compatible with resources available, to persons who entered the United States with refugee status until such time as they obtain United States citizenship.

93.103(3) Only persons applying for or receiving FIP assistance are eligible for PROMISE JOBS services. PROMISE JOBS staff shall accept Form 470-3826, Request for FIP Beyond 60 Months, as described at 441—subrule 41.30(3).

441—93.104(239B) Registration and referral requirements. An application for assistance constitutes a registration for the PROMISE JOBS program and the FIA for all members of the FIP case and all other persons responsible for the FIA as specified at 441—41.24(239B) unless the county office determines a person is exempt as specified in 441—subrule 41.24(2).

93.104(1) Rescinded IAB 7/21/04, effective 9/1/04.

93.104(2) Rescinded IAB 7/21/04, effective 9/1/04.

93.104(3) Applicants in a limited benefit plan who must complete significant contact with or action in regard to PROMISE JOBS for FIP eligibility to be considered, as described at 441—paragraphs 41.24(8)“a” and “d,” are eligible for expense allowances for the 20 hours of activity. Applicants are eligible for PROMISE JOBS services and allowances under the circumstances described at 441—subrule 41.30(3). However, PROMISE JOBS services and allowances are only available when it appears the applicant will otherwise be eligible for FIP.

93.104(4) FIP applicants who are responsible for the FIA shall complete and sign an FIA as a condition of FIP eligibility. FIP participants who lose their exempt status shall contact the appropriate PROMISE JOBS office to schedule an appointment for PROMISE JOBS orientation within ten calendar days of notice that exempt status is lost and FIA responsibility has begun.

93.104(5) Registrants are exempt from referral when they qualify for exemption as specified in 441—subrule 41.24(1).

93.104(6) Rescinded IAB 7/11/01, effective 9/1/01.

441—93.105(239B) Priority of service.

93.105(1) Federal requirements. Federal law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Title I—Temporary Assistance for Needy Families, Section 407, contains mandatory work requirements expressed as participation rate requirements:

a. Rescinded IAB 12/3/97, effective 2/1/98.

b. Federal law requires that each state shall achieve a minimum participation rate for all families as described in PRWORA, Title I, Section 407.

c. Federal law requires that each state shall achieve a minimum participation rate for two-parent families as described in PRWORA, Title I, Section 407.

93.105(2) Service upon referral.

a. FIP applicants, including those who are in a limited benefit plan, who are referred to PROMISE JOBS shall be scheduled for and attend PROMISE JOBS orientation within ten calendar days of the date of the notice that FIA responsibility has begun, as required under 441—paragraph 41.24(10)“g,” or the family’s application for FIP shall be denied.

b. FIP participants who are referred to PROMISE JOBS shall initiate service for PROMISE JOBS orientation by contacting the appropriate PROMISE JOBS office within ten calendar days of the mailing date of the notice that exempt status has been lost and FIA responsibility has begun, as required under 441—subrule 41.24(5).

c. PROMISE JOBS provider agencies shall schedule FIA orientation and assessment appointments:

(1) At the earliest available times for FIP applicants but no later than ten calendar days from the date of referral.

(2) At the earliest available times for FIP participants who lose exempt status and who contact the appropriate PROMISE JOBS office within the ten days except when the department exercises administrative authority to require prioritization of orientation services to ensure that specific groups receive services in order to achieve self-sufficiency in the shortest possible time, to meet federal minimum participation rate requirements and other TANF requirements.

d. PROMISE JOBS staff may waive orientation services before writing an FIA when developing an FIA that meets the conditions of 441—paragraph 41.30(3) “*e.*”

e. Applicants who are in a limited benefit plan are referred to PROMISE JOBS and shall be scheduled to begin PROMISE JOBS services with the appropriate PROMISE JOBS office as described at 441—subrule 41.24(1). The applicants who communicate the desire to engage in PROMISE JOBS activities shall be scheduled at the earliest available time and no later than ten calendar days from the date of referral to begin or resume the family investment agreement process.

f. The department reserves the authority to prioritize orientation and other services to FIP applicants and participants in whatever order best fits the needs of applicants and participants and the PROMISE JOBS program.

g. Applicants and participants who are participating in the food assistance employment and training program at the time of referral shall be allowed to use the employment and training component in which they are currently enrolled as the first step in the FIA.

93.105(3) *Waiting lists.* Because of state and federal budgetary limitations, federal mandatory work requirements and minimum participation rate requirements, and other TANF requirements on the PROMISE JOBS program, the department shall have the administrative authority to determine agency and geographical breakdowns for service, to designate specific groups for priority services, or to designate specific PROMISE JOBS components or supportive service levels for a waiting list. Persons shall be removed from these waiting lists and placed in components at the discretion of state-level PROMISE JOBS administrators in order to help participants achieve self-sufficiency in the shortest possible time, meet budgetary limitations, enable participants to make maximum use of other programs, fulfill the federal minimum participation rate requirements and meet other TANF requirements.

a. and *b.* Rescinded IAB 12/3/97, effective 2/1/98.

c. Persons who are participating in a component who are canceled from FIP are not eligible for PROMISE JOBS services while FIP is canceled. However, the person can regain immediate eligibility for PROMISE JOBS services and shall not be placed on a postsecondary classroom training waiting list if the period of FIP ineligibility does not exceed four consecutive months and the participant is still satisfactorily participating in approvable training at the time that FIP eligibility is regained.

441—93.106(239B) Orientation for PROMISE JOBS and the FIA. Every person who schedules and keeps an orientation appointment as described at subrule 93.105(2) shall receive orientation services.

93.106(1) *Requirements of orientation.* During orientation, each person shall receive a full explanation of the advantages of employment under the family investment program (FIP), services available under PROMISE JOBS, a review of participant rights and responsibilities under the FIA and PROMISE JOBS, a review of the LBP as described at 441—subrule 41.24(8), an explanation of the benefits of cooperation with the child support recovery unit, and an explanation of the other programs available through PROMISE JOBS, specifically the transitional Medicaid and child care assistance programs.

a. Each person shall sign Form 470-3104, Your FIA Rights and Responsibilities, acknowledging that information described above has been provided.

b. Orientation participants are required to complete a current workforce development registration form as described at 877—subrule 8.2(3) when requested by PROMISE JOBS staff.

c. Orientation may also include completing self-assessment instruments.

d. The PROMISE JOBS worker shall meet with each orientation participant, or family if appropriate when two parents or children who are mandatory PROMISE JOBS participants are

involved, to determine readiness to participate, establish expenses and a payment schedule and to discuss child care needs.

93.106(2) *Beginning PROMISE JOBS participation.* An individual becomes a PROMISE JOBS participant when that person has signed a family investment agreement as described at rule 441—93.109(239B) and is a current FIP recipient.

441—93.107(239B) *Medical examinations.* A person shall secure and provide written documentation signed by a licensed health practitioner, licensed in Iowa or adjoining states, to verify a claimed illness or disability within 45 days of a written request by staff.

441—93.108(239B) *Self-initiated training.* Registrants who have attended one or more days of training prior to participating in a PROMISE JOBS orientation are considered to be self-initiated. For registrants who at time of call-up for PROMISE JOBS orientation are in self-initiated classroom training, including government-sponsored training programs, PROMISE JOBS staff shall determine whether the training program meets acceptable criteria as prescribed for the classroom training component at rule 441—93.114(239B).

93.108(1) *Nonapprovable training.* When it is determined that the self-initiated training does not meet the criteria of rule 441—93.114(239B), the registrant has the option to participate in other PROMISE JOBS options or to use the nonapprovable training to meet the obligations of the FIA, under the other education and training component, as long as the training can still be reasonably expected to result in self-sufficiency. PROMISE JOBS expense allowances are not available for persons in nonapprovable training.

93.108(2) *Approvable training.* When a self-initiated training program meets PROMISE JOBS program standards, the participant shall be enrolled in the classroom training component in order to be eligible for child care and transportation assistance. Eligibility for payment of transportation and child care allowances as described at 441—subrule 93.111(2) shall begin for that month, or part thereof, in which the training plan is approved or the participant is removed from a waiting list as described at 93.105(3), whichever is later. Self-initiated participants are not eligible for expense allowances to pay for tuition, fees, books, or supplies.

441—93.109(239B) *The family investment agreement (FIA).* As a FIP eligibility factor, families and individuals eligible for FIP shall, through any persons referred to PROMISE JOBS, enter into and carry out the activities of an FIA. In two-parent families, both parents shall participate in the development and signing of an FIA. When an adult is incompetent or incapacitated, someone acting responsibly on the adult's behalf may participate in the interview.

Failure to develop or sign an FIA shall result in denial of the family's application for public assistance, as described at 441—paragraph 41.24(4) "c." Participants who choose not to enter into an FIA or who choose not to continue its activities after signing an FIA shall enter into the limited benefit plan (LBP) as described at 441—subrule 41.24(8). Those who choose not to enter into the FIA and who have filed Form 470-3826, Request for FIP Beyond 60 Months, shall be denied FIP as described at 441—paragraph 41.30(3) "e."

93.109(1) *FIA-responsible persons.*

a. All parents who are not exempt from PROMISE JOBS shall be responsible for signing and carrying out the activities of the FIA.

b. In addition, any other adults or a minor nonparental specified relative whose needs are included in the FIP grant shall be responsible for the FIA.

c. Rescinded IAB 7/21/04, effective 9/1/04.

d. When the FIP-eligible group holds a minor parent living with a parent or needy specified relative who receives FIP, as described at 441—paragraph 41.28(2) "b"(2), and both are referred to PROMISE JOBS, each parent or needy specified relative is responsible for a separate FIA.

e. When the FIP-eligible group holds a parent or parents or needy specified relative and a child or children who are all mandatory PROMISE JOBS participants, each parent or needy specified relative

and each child would not have a separate FIA. All would be asked to sign one FIA with the family and to carry out the activities of that FIA. Copies of the FIA would be placed in individual case files.

f. When the FIP-eligible group holds a parent or parents or needy specified relative who is exempt from PROMISE JOBS and a child or children who are mandatory PROMISE JOBS participants, each child is responsible for completing a separate FIA.

93.109(2) FIA requirements. Except when developing the six-month FIA described at 441—paragraph 41.30(3)“e,” the FIA shall be developed during the orientation and assessment process through discussion between FIP applicants and participants and PROMISE JOBS staff of coordinating PROMISE JOBS provider agencies, using Form 470-3095, Family Investment Agreement, and Form 470-3096, FIA Steps to Achieve Self-Sufficiency. FIAs may include further assessment services. The FIAs described at 441—paragraph 41.30(3)“e” may include orientation and assessment services.

a. The FIA shall require the FIA-responsible persons and family members who are referred to PROMISE JOBS to choose participation in one or more activities which are described below. The level of participation in one or more of the options shall be equivalent to the level of commitment required for full-time employment or shall be significant so as to move toward that level.

(1) The options of the FIA shall include, but are not limited to, all of the following: assessment, self-directed job search, job-seeking skills training, group and individual job search, high school completion activities, GED, ABE, ESL, postsecondary classroom training including entrepreneurial training, work experience, PROMISE JOBS on-the-job training, unpaid community service, parenting skills training, life skills training, monitored part-time or full-time employment, referral for family planning counseling, and participation in FaDSS or other family development programs.

(2) The following are additional FIA options:

1. Participants have access to all services offered by the provider agencies.

2. Persons in work and training programs below a graduate degree which do not lead to a professional degree and which are funded outside of PROMISE JOBS and are approvable by PROMISE JOBS can use those as FIA options.

3. Persons in work and training programs not leading to a degree beyond a bachelor’s degree which are funded outside of PROMISE JOBS and are not approvable by PROMISE JOBS can use those as FIA options only when the participant is active in the nonapprovable program at the time of PROMISE JOBS orientation.

4. Rescinded IAB 7/21/04, effective 9/1/04.

(3) It is expected that employment shall be the principal activity of the FIA or shall be combined with other FIA options whenever it is possible for the participant to do so as part of the plan to achieve self-sufficiency.

(4) Participants who are placed on a waiting list, as described at 93.105(3), for a PROMISE JOBS component or supportive service shall include employment in the FIA unless family circumstances indicate that employment is not appropriate.

b. The FIA shall reflect, to the maximum extent possible, the goals of the family, subject to program rules, funding, the capability, experience and aptitudes of family members, and the potential market for the job skills currently possessed or to be developed.

(1) The FIA shall include the goals of the family for achieving self-sufficiency and shall establish a time frame, with a specific ending date, during which the FIA family expects to become self-sufficient, after which FIP benefits will be terminated. For individuals and families with acknowledged barriers, the family’s plan may be written in one or more incremental FIAs.

(2) The FIA shall outline the expectations of the PROMISE JOBS program and of the family, clearly establishing interim goals necessary to reach the long-term goals and self-sufficiency.

1. It shall identify barriers to participation so that the FIA may include a plan, appropriate referrals, and supportive services necessary to eliminate the barriers.

2. It shall stipulate specific services to be provided by the PROMISE JOBS program, including child care assistance, transportation assistance, family development services, and other supportive services.

(3) The FIA shall record participant response to the option of referral for family planning counseling. Participants who desire to do so may include family planning counseling in the steps of the FIA. It is not acceptable for the FIA to have family planning counseling as the only step of the FIA. Policies regarding family planning and the LBP are described at rule 441—93.118(239B).

(4) Parents aged 19 and younger shall include parenting skills training as described at rule 441—93.116(239B) in the FIA.

(5) Unmarried parents aged 17 and younger who do not live with a parent or legal guardian, with good cause as described at 441—subrule 41.22(16), shall include FaDSS, as described at 441—Chapter 165, or other family development services, as described at rule 441—93.119(239B), in the FIA. The FaDSS or other family development services shall continue after the parent is aged 18 only when the participant and the family development worker believe that the services are needed for the family to reach self-sufficiency.

c. The FIA may incorporate a self-sufficiency plan which the family has developed with another agency or person, such as, but not limited to, Head Start, public housing authorities, child welfare workers, and FaDSS grantees, so long as that self-sufficiency plan meets the requirements of these rules and is deemed by PROMISE JOBS staff to be appropriate to the family circumstances. Participants shall authorize PROMISE JOBS to obtain the self-sufficiency plan and to arrange coordination with the manager of the self-sufficiency plan by signing Form 470-0429, Consent to Obtain and Release Information.

d. The FIA shall contain a provision for extension of the time frames and amendment of the FIA if funding for PROMISE JOBS components included in the FIA or required supportive services is not available.

e. The FIA shall be signed by the FIA-responsible person or persons and other family members who are referred to PROMISE JOBS, the PROMISE JOBS worker, and the project supervisor, before the FIA is considered to be completed.

f. If the FIA-responsible person demonstrates effort and is carrying out the steps of the FIA but is unable to achieve self-sufficiency within the time frame specified in the FIA, the FIA shall be renegotiated, the time frame shall be extended and the FIA shall be amended to describe the new plan for self-sufficiency.

g. Participants who choose not to cooperate in the renegotiation process shall be considered to have chosen the LBP.

h. Responsibility for carrying out the steps of the FIA ends at the point that FIP assistance is not provided to the participant.

i. When a participant who has signed an FIA loses FIP eligibility and the participant has not become exempt from PROMISE JOBS at the time of FIP reapplication, the contents of the FIA and the participant's responsibility for carrying out the steps of that FIA may be reinstated when the steps of the FIA fit the family's current circumstances. The FIA shall be renegotiated and amended if needed to accommodate changed family circumstances.

441—93.110(239B) Arranging for services. Staff is responsible for providing or helping the participant to arrange for employment-oriented services, as required, to facilitate the registrants' successful participation, including client assessment or case management, employment education, transportation, child care, referral for medical examination, and supportive services under the family development and self-sufficiency program described in 441—Chapter 165 or other family development programs, described in rule 441—93.119(239B). PROMISE JOBS funds shall be used to pay costs of obtaining a birth certificate when the birth certificate is needed in order for the registrant to complete the employment service registration process described in rule 441—93.106(239B). PROMISE JOBS funds may also be used to pay expenses for clients enrolled in Workforce Investment Act (WIA)-funded components when those expenses are allowable under these rules. Clients shall submit Form 470-0510, Estimate of Cost, to initiate allowances or change the amount of payment for expenses other than child care.

Payment for child care, if required for participation in any PROMISE JOBS component other than orientation, not specifically prohibited elsewhere in these rules, and not available from any other source, shall be provided for participants after service has been received as described at 441—Chapter 170.

93.110(1) to 93.110(5) Rescinded IAB 6/30/99, effective 7/1/99.

93.110(6) Transportation allowances. Participants may receive a transportation allowance for each day of participation if transportation is required for participation in a PROMISE JOBS activity, but shall not receive a transportation allowance for orientation or for assessment activities that occur on the same day as orientation or for employment. The transportation allowance shall be paid monthly at the start of each month of participation or when participation begins, whichever is earlier. Persons employed shall be entitled to the work expense deduction described at 441—paragraph 41.27(2) “a.”

Transportation allowances shall be developed individually according to the circumstances of each participant. Allowances shall cover transportation for the participant and child, if necessary, from the participant’s home to the child care provider, if necessary, and to the PROMISE JOBS site or activity.

a. For those who use public transportation, the allowance shall be based on the normally scheduled days of participation in the PROMISE JOBS activity for the period covered by the payment, using the rate schedules of the local transit authority to the greatest advantage, including use of weekly and monthly passes or other rate reduction opportunities.

b. Private transportation. Effective September 1, 2008, for participants who use a motor vehicle they operate themselves or who hire private transportation, the transportation allowance shall be based on a formula which uses the normally scheduled days of participation in the PROMISE JOBS activity for the period covered by the allowance times the participant’s anticipated daily round-trip miles times the mileage rate of 34 cents per mile.

c. Transportation allowances for the assessment component shall be issued in advance in weekly increments as described in 93.110(6) “a” or 93.110(6) “b,” with payments for the second or third week of assessment being issued as soon as it is determined that the participant will be required to participate in the second or third week of the component.

d. Monthly transportation allowances for each full calendar month of participation shall be issued in advance in the amount determined by the formula described in 93.110(6) “a” or 93.110(6) “b.”

(1) Allowances for the third and subsequent months of an ongoing activity shall not be authorized prior to receipt of time and attendance verification, as described at subrule 93.135(2), for the month previous to the issuance month. (For example, a transportation allowance for December, normally issued after November 15 to be available to the participant by December 1, will not be authorized until time and attendance verification for the month of October has been received in the PROMISE JOBS office.)

(2) The amounts of allowances for the third and subsequent months of an ongoing activity shall be adjusted by subtracting from normally scheduled days any number of days which represent a difference between the number of normally scheduled days in the month previous to the issuance month and the number of actual days attended in the month previous to the issuance month. (For example, a transportation allowance based on 16 normally scheduled days of participation is authorized for October, issued in September. If ten days of participation are normally scheduled in December, and the participant did not attend two days of the PROMISE JOBS activity in October, the December transportation allowance, issued in November for December, shall be calculated using eight days.) Because this adjustment is not possible in the last two months of an ongoing activity, transportation allowances for the last two months of an ongoing activity shall be subject to transportation overpayment provisions of 93.110(8) “b.”

e. Persons who require, due to a mental or physical disability, a mode of transportation other than a vehicle they operate themselves shall be eligible for payment of a supplemental transportation allowance when documented actual transportation costs are greater than transportation allowances provided under these rules and transportation is not available from a nonreimbursable source. Costs of transportation by a public or private agency shall be allowed for the actual costs. Costs of transportation provided by private automobile shall be allowed for the actual charge up to a maximum of the rate per mile as described in 93.110(6) “b.”

(1) Medical evidence of disability or incapacity shall be obtained from either an independent physician or psychologist or the state rehabilitation agency.

(2) The client's need for a mode of transportation other than a vehicle operated by the client due to disability or incapacity shall be verified by either an independent physician or psychologist or the state rehabilitation agency.

(3) The evidence may be submitted either by letter from the physician or on Form 470-0447, Report on Incapacity. When an examination is required and other resources are not available to meet the expense of the examination, the physician shall be authorized to make the examination and submit claim for payment on Form 470-0502, Authorization for Examination and Claim for Payment. A finding of eligibility for social security benefits or supplemental security income benefits based on disability or blindness is acceptable proof of disability.

f. In those instances where a PROMISE JOBS participant is enrolled in high school, a transportation allowance shall not be allowed if transportation is available from a nonreimbursable source such as when transportation is provided by the school district, or the school district has deemed it unnecessary due to the proximity of the participant's home to the school. If child care needs make it impossible for the participant to use transportation provided by the school district, a transportation allowance shall be authorized.

93.110(7) Expense allowances during a month of FIP suspension. Payment for expenses shall be made for a month of FIP suspension if the client chooses to participate during that month in a PROMISE JOBS component or other FIA activity for which expense allowance payment is allowable under these rules and to which the client has been previously assigned.

93.110(8) Transportation overpayment. Payment for transportation shall be considered an overpayment subject to recovery in accordance with rule 441—93.151(239B) in the following instances:

a. When the participant attends none of the scheduled days of participation in a PROMISE JOBS activity, the entire transportation allowance shall be considered an overpayment. Recovery of the overpayment shall be initiated when it becomes clear that subsequent participation in the activity is not possible for reasons such as, but not limited to, family investment program ineligibility, establishment of a limited benefit plan or exemption from PROMISE JOBS participation requirements.

b. When the participant fails to attend 75 percent of the normally scheduled days of participation in either of the last two months of an ongoing PROMISE JOBS activity or in any transportation allowance period of an activity which has not been used for allowance adjustment as described at 93.110(6)“*d*,” an overpayment is considered to have occurred. The amount to recover shall be the difference between the amount for the actual number of days attended and the amount for 75 percent of normally scheduled days. However, a transportation allowance overpayment does not occur for any month in which the participant leaves the PROMISE JOBS activity in order to enter employment.

441—93.111(239B) Assessment and assignment to other activities and components. PROMISE JOBS components and FIA options include, but are not limited to, assessment, job-seeking skills training, job search activities, monitored employment, basic education services, PROMISE JOBS OJT, work experience, unpaid community service, parenting skills training, life skills training, postsecondary classroom training including entrepreneurial training, and FaDSS or other family development services.

93.111(1) Assessment. The purpose of assessment is to provide for a thorough self-evaluation of the FIP applicant or participant family that furnishes a basis for PROMISE JOBS staff to determine employability potential and to determine the services that will be needed to achieve self-sufficiency through PROMISE JOBS and the FIA. Assessment shall be conducted so as to ensure that participants can make well-informed choices and PROMISE JOBS workers can provide appropriate guidance as they complete the FIA to achieve the earliest possible self-sufficiency for the FIP family. Assessment services shall be provided through coordination among PROMISE JOBS provider agencies.

Assessment services shall be delivered through options known as assessment I, assessment II, and assessment III. These options may be provided as separate services, delivered at appropriate times during the duration of the FIA, or as steps in the FIA up to the level necessary to provide the assessment needed for participant and PROMISE JOBS worker decisions for development or amendment of the FIA.

a. Assessment I shall be provided for all referred FIP applicants. PROMISE JOBS staff shall meet individually with FIP applicants or recipients who are referred to PROMISE JOBS and who choose to develop the FIA. This assessment meeting, at a minimum, shall assess the family's financial situation, family profile and goals, employment background, educational background, housing needs, child care needs, transportation needs, health care needs, family-size assessment and participant wishes regarding referral to family planning counseling, and other barriers which may require referral to entities other than PROMISE JOBS for services.

(1) Assessment I may be the level of assessment appropriate for persons for whom: a part-time job has the potential to become full-time; there is an expectation of securing immediate employment; there are obvious literacy or other basic education barriers; family responsibilities limit the time that can be dedicated toward achieving self-sufficiency; there are transportation barriers; or there are multiple barriers which indicate that FaDSS, other family development services, or other social services are appropriate before other significant steps can be taken toward self-sufficiency.

(2) Persons in these circumstances may, based on the results of assessment I, complete the FIA to participate in activities such as, but not limited to, monitored part-time or full-time employment, job search, PROMISE JOBS OJT, unpaid community service, parenting skills training, referral for family planning counseling, FaDSS or other family development services, other social services, or basic or remedial education, perhaps in conjunction with other services.

(3) The services of assessment I shall be provided in one individual session before the FIA is signed.

(4) Applicants and participants shall have the option of substituting for assessment I assessment information which they have completed with another agency or person such as, but not limited to, the department of workforce development, Head Start, public housing authorities, child welfare workers, and family development services. Participants shall authorize PROMISE JOBS to obtain these assessment results by signing Form 470-0429, Consent to Obtain and Release Information. To be used in place of assessment I, the assessment results must contain all or nearly all of the items from paragraph 93.111(1) "a" and must have been completed within the past 12 months.

(5) Participants shall have the option to supplement assessment I with information in the manner as described in subparagraph (4) above and to establish communication between PROMISE JOBS staff and other agencies or persons in order to ensure that the family investment agreement activities do not conflict with any case plans which have already been established for the family. Authorizing this communication is not mandatory under the FIA but PROMISE JOBS staff shall have the authority to ask for verification of activities planned under another case plan when the participant reports conflicts.

b. Assessment II services shall be provided for those who, during assessment I, have no barriers to limit participation, have no specific career goal or plan, and need further assessment services to complete the FIA; and for those who are ready to advance to other components after completing a PROMISE JOBS activity or other services which were determined after assessment I and are part of the FIA.

(1) The services of assessment II may include, but are not limited to, literacy and aptitude testing, educational level and basic skills assessment, self-esteem building, interest assessment, exposure to nontraditional jobs, exposure to job-retention skills, goal setting, motivational exercises, exposure to job-seeking skills, and exposure to role models.

(2) Persons who complete assessment II may complete the FIA to participate in FIA activities such as, but not limited to, parenting skills training, referral for family counseling, job club or other job search activities, PROMISE JOBS OJT, work experience placement, or referral for entrepreneurial training.

(3) Assessment III services shall be provided for those who, during assessment I or II, request postsecondary classroom training as part of the FIA; or those whose previous participation indicates a need for and a likelihood of success in postsecondary classroom training.

c. Services of assessment III shall provide occupational specific assessment or guidance before completing the FIA for postsecondary classroom training. These services may be provided by PROMISE JOBS staff or other entities as arranged locally.

It is expected that assessment II and assessment III activities shall be provided in a maximum of 20 hours per week for each option unless the PROMISE JOBS worker documents a need for additional time.

d. FIP participants who previously participated in assessment options and then were canceled from FIP or entered an LBP may be required to participate in any assessment option again when the PROMISE JOBS worker determines that updated assessment is needed for development or amendment of the FIA.

e. FaDSS participants who have completed assessment in the past may be required to complete assessment again when the FaDSS grantee approves assignment to other PROMISE JOBS activities if the PROMISE JOBS worker believes that extended assessment is necessary to reassess the participant's abilities and circumstances.

f. Except for assessment activities which occur on the same day as orientation, persons participating in assessment options are eligible for allowances for transportation and child care needed to allow the scheduled participation. Persons who miss any portion of scheduled assessment services may be required to make up the missed portion of the sessions, based on worker judgment and participant needs. When make-up sessions are required, the participant shall not receive an additional transportation allowance, but necessary child care shall be paid.

g. A participant who has completed assessment I and who wishes to include postsecondary classroom training in the FIA shall be required to participate in assessment II and assessment III unless the participant is not required to do so because:

(1) Rescinded IAB 7/21/04, effective 9/1/04.

(2) The person is already involved in approvable self-initiated training at the time of PROMISE JOBS orientation.

(3) Participation in assessment II and assessment III would interfere with training initiated by the participant after orientation and the training is approvable under PROMISE JOBS. Participants who initiate training after orientation are not considered self-initiated but are otherwise treated in accordance with rule 441—93.108(239B) or in accordance with 93.111(2).

93.111(2) *Assessment-related restrictions on expense allowance assistance for self-initiated training.* When persons described at 93.111(1)“g” are still within the first quarter or semester of involvement with the training program that they have chosen, expense allowance assistance through PROMISE JOBS cannot be approved, even if the training is otherwise approvable, until the persons have completed the assessment II and assessment III options or have successfully completed the first quarter or semester of the training program in accordance with the requirements of the educational institution being attended. Persons involved in training programs where quarters or semesters are not used must successfully complete four months of the training program before assistance can begin. Assistance shall be approved effective with the second quarter or semester, or with the fifth month of participation in the training program, as applicable to the client's situation.

93.111(3) *Requirements for persons aged 19 or younger.* Assessment and development of FIA options shall follow these guidelines for persons under the age of 20.

a. Parents under the age of 16 who have not completed high school shall be expected to use enrollment or continued attendance in high school completion as a first step in the FIA.

b. Persons aged 16 or 17 who have not completed high school shall be expected to participate in educational activities to obtain a high school diploma or the equivalent as a first step in the FIA. Persons deemed incapable of participating in these activities by the local education agency shall choose other FIA options.

c. Persons aged 18 or 19 who have not completed high school shall be expected to participate in educational activities to obtain a high school diploma or the equivalent as a first step in the FIA if assessment indicates the person is capable of completing regular high school or an equivalent program. Persons deemed incapable of participating in these activities shall choose other FIA options.

d. For parents aged 19 and younger, the FIA shall include parenting skills training as described at rule 441—93.116(239B) or the case file shall include documentation that this requirement has been fulfilled.

e. For unmarried parents aged 17 and younger, who do not live with a parent or legal guardian, with good cause as described at 441—subrule 41.22(16), the FIA shall include FaDSS, as described at 441—Chapter 165, or other family development services, as described at rule 441—93.119(239B). The FaDSS or other family development services shall continue after the parent is aged 18 only when both

the participant and the family development worker believe that the services are needed for the family to reach self-sufficiency.

93.111(4) *Participation after completion of appropriate assessment.* After completion of the appropriate assessment level, participants shall be referred for the PROMISE JOBS component services or supportive services which are designated in the completed FIA.

93.111(5) *Retention of a training slot.* Once a person has been assigned a PROMISE JOBS training slot, that person retains that training slot until FIP eligibility is lost for more than four consecutive months or an LBP is in effect.

441—93.112(239B) *Job search options.* Employment is an emphasis of the FIA as described at rule 441—93.109(239B). PROMISE JOBS applicants and participants shall have several options to search for work: job club, individual job search, and self-directed job search. The applicant or participant and the PROMISE JOBS worker shall incorporate into the self-sufficiency plan the job search option which is appropriate for the previous work history, skill level, and life circumstances of the applicant or participant. Job search contacts shall be documented by PROMISE JOBS staff or by participants, as appropriate. Participant documentation shall be provided as described at 93.135(3). For job search planning and reporting purposes, each in-person job search contact documented by the participant shall be considered to require one hour of participation.

93.112(1) *Job club.* Job club consists of one week of job-seeking skills training and two weeks of group job search. It is expected that job clubs will be designed to require at least 20 hours a week of participation in each week. However, less than 20 hours a week may be scheduled based on local office need and resources. Participants who choose job club shall receive a child care allowance, if required, and an allowance as described at 93.110(6) to cover costs of transportation, if required. The transportation allowance shall be paid in full at the start of participation.

Job-seeking skills training includes, but is not limited to: self-esteem building, goal attainment planning, résumé development, grooming, letters of application and follow-up letters, job application completion, job-retention skills, motivational exercises, identifying and eliminating employment barriers, positive impressions and self-marketing, finding job leads, obtaining interviews, use of telephones, interviewing skills development and practice interviewing.

a. All participants who choose the job club option shall receive one week of job-seeking skills training. Daily attendance during the one week of job-seeking skills training is necessary. Participants who miss any portion of the job-seeking skills training shall repeat the entire week of training.

(1) Participants who must repeat the job-seeking skills training because of absence due to reasons as described at rule 441—93.133(239B) shall receive an additional transportation allowance as described at 93.110(6) and required child care payment shall be made.

(2) Participants who must repeat job-seeking skills training for absence due to reasons other than those described at rule 441—93.133(239B) shall not receive an additional transportation allowance. Required child care payment shall be allowed.

b. Participants shall then take part in a structured employment search activity for a period not to exceed two weeks. Scheduled activities and required hours of participation shall reflect proven job search techniques and the employment environment of the community of the local office and may be varied due to the resources available and the needs of the participants.

Participants who choose job club shall make up absences which occur during the two-week job search period. Additional transportation allowances shall not be paid to these persons. Required child care payments shall be allowed.

c. Job club participants who obtain employment of 86 or more but less than 129 hours per month may discontinue job club if part-time employment was the FIA goal.

d. Job club participants who, during participation, obtain part-time employment of less than 86 hours per month shall continue job club unless the scheduled job club hours conflict with the scheduled hours of employment. PROMISE JOBS participation shall be scheduled to occur during those hours where no conflict with work hours exists.

e. Rescinded IAB 11/1/00, effective 1/1/01.

f. Participants who do not complete the number of job searches required in the period of the job club have chosen the limited benefit plan. Policies at 441—93.132(239B), 441—93.133(239B) and 441—93.134(239B) and subrule 93.138(3) apply.

93.112(2) Individual job search. The individual job search component shall be available to applicants and participants for whom job club is not appropriate or not available, such as, but not limited to, applicants or participants who have completed training or have recent ties with the work force. The total period for each episode of individual job search shall not exceed 12 weeks or three calendar months.

a. The applicant or participant shall, in consultation with PROMISE JOBS staff, design and provide a written plan of the individual job search activities. The plan shall contain a designated period of time, not to exceed four weeks or a calendar month, and the specific locations of the job search. It shall also contain, but not be limited to, information as specific as possible pertaining to, for example, areas of employment interest and employers to be contacted.

b. Participants who choose individual job search shall receive a child care allowance, if required, and an allowance as described at 93.110(6) to cover costs of transportation, if required.

(1) Payment for required child care shall be limited to 20 hours per week.

(2) The transportation allowance shall be paid in full at the start of each designated time period of the individual job search. The anticipated days for job search shall be included in the written plan so as to provide the most effective use of transportation funds. Transportation allowances for any missed days of job search activity shall be subject to transportation overpayment policies as described at 93.110(8).

c. Participants who do not complete the steps of the written plan of the individual job search have chosen the limited benefit plan. Policies at 441—93.132(239B), 441—93.133(239B) and 441—93.134(239B) and subrule 93.138(3) apply.

93.112(3) Self-directed job search. PROMISE JOBS applicants or participants who indicate during assessment I a desire to complete a short-term FIA or who have achieved an FIA interim goal which should lead to employment shall be provided the option of first engaging in self-directed job search activities before beginning other FIA options. This option does not apply to parents under the age of 20 who are required to participate in high school completion activities.

a. The applicant or participant shall, in consultation with PROMISE JOBS staff, design and provide a written plan of job search activities. The plan shall contain a designated period of time, not to exceed four weeks or a calendar month, and the specific locations of the job search. It shall also contain, but not be limited to, information as specific as possible pertaining to, for example, areas of employment interest and employers to be contacted.

b. The participant shall not be required to provide documentation of the job search activities.

c. Transportation and child care allowances are not available for this job search option.

441—93.113(239B) Monitored employment. Employment leading to self-sufficiency is the goal of the FIA. Full-time employment or part-time employment is an option under the FIA. Employment shall be the primary activity of the FIA whenever compatible with the self-sufficiency goal. Employment leading to better employment shall be an acceptable option under the FIA. Anticipated and actual hours of employment shall be verified by the participant, when not available from any other source, and documented in the case file. Transportation allowances are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Required child care payments shall be allowed.

93.113(1) Full-time employment. Persons who become employed 30 or more hours per week (129 hours per month) while participating in PROMISE JOBS shall meet the obligations of the FIA by continuing in that employment if FIP eligibility continues and the end date of the FIA has not been reached. Persons who have not achieved self-sufficiency through full-time employment before the end date of the FIA may have the FIA extended. Persons who choose not to enter into the renegotiation process to extend the FIA shall be considered to have chosen the LBP.

93.113(2) Part-time employment. Persons who are employed less than 30 hours per week (129 hours per month) shall meet the obligations of the FIA by continuing employment at that level as long as that employment is part of the FIA. In order to move to self-sufficiency at the earliest possible time, the FIA

shall most often include part-time employment in combination with participation in other PROMISE JOBS activities including additional part-time employment.

441—93.114(239B) Assignment to vocational classroom training. Applicants and participants who demonstrate capability and who express a desire to participate shall be considered for enrollment in the PROMISE JOBS classroom training component. This component shall also be used to fund the costs of ABE, GED, or ESL and other high school completion activities described in these rules.

93.114(1) Classroom training means any academic or vocational training course of study which enables a participant to complete high school or improve one's ability to read and speak English, or which prepares the individual for a specific professional or vocational area of employment. A training plan shall be based on occupational evaluation and assessment as obtained in accordance with the assessment processes described at rule 441—93.111(239B).

a. The plan shall be approved for training facilities which are approved or registered with the state or accredited by an appropriate accrediting agency. Institutional training can be provided by both public and private agencies.

b. In addition, PROMISE JOBS workers may approve training from community action program agencies, churches, or other agencies providing training, if in the worker's judgment, the training is adequate and leads to the completion of the goal outlined in the employability plan.

c. Training from a particular training facility, community action program agency, church or other agency shall be approved when the worker determines that the training provider possesses appropriate and up-to-date equipment, has qualified instructors, adequate facilities, a complete curriculum, acceptable grade point requirements, a good job-placement history and demonstrates expenses of training that are reasonable and comparable to the costs of similar programs.

d. A participant's request for classroom training services shall be denied when it is determined through assessment that the participant will be unlikely to successfully complete the requested program. Form 470-0602, Notice of Decision: Services, shall be issued to the participant to inform the participant that the request for training is denied.

93.114(2) All family members who meet classroom training eligibility criteria shall be eligible for all program benefits, even when two or more family members are simultaneously participating and even if participation is at the same training facility and in the same program.

93.114(3) Academic workload requirements. With the exceptions noted below, participants are expected to maintain a full-time academic workload and to complete training within the minimum time frames specified for a given training program as established by the training facility. The time frames specified are maximums. Months required to complete the training plan cannot exceed these limits, whether full-time or part-time.

a. Months spent in ABE, GED, or ESL program do not count toward the time limits described below.

b. For purposes of the following participation limitations a month of participation is defined as a fiscal month or part thereof starting with the month PROMISE JOBS classroom training services begin. A fiscal month shall generally have starting and ending dates falling within two calendar months but shall only count as one month of participation.

c. Months of participation need not be consecutive.

d. Participants who are not in subsidized employment shall be allowed to maintain less than a full-time training workload provided that the months required to complete the training plan would not exceed 30 fiscal months for two-year degree programs and other vocational programs or 40 fiscal months for three- or four-year degree programs.

e. Rescinded IAB 11/1/00, effective 1/1/01.

f. Participants who are in unsubsidized employment and in a classroom training component simultaneously for a total of 24 hours per week or more shall be allowed to maintain less than a full-time, but at least a half-time, training workload provided that the months required to complete the training plan would not exceed 40 fiscal months for two-year degree programs and other vocational programs or 50 fiscal months for three- or four-year degree programs.

93.114(4) Clients enrolled in ABE, GED, or ESL programs must be able to complete training in the time determined by testing unless the PROMISE JOBS worker and, if appropriate, the client's academic advisor or instructor agree that additional time should be allowed. Under no circumstances, however, shall more than six additional months be allowed. Additional time shall not be allowed if, as a result, months required to complete training would exceed 24 for ABE or GED or 12 months for ESL.

93.114(5) Clients who have not completed a high school education may be required to do so before other vocational training courses may be arranged. GED or high school training courses and vocational training may run concurrently. Unless under the age of 18, clients may be approved to return to regular high school only when they can graduate within one year of their normal graduation date.

93.114(6) Testing and grade transcripts before training plan approval. Prior to training plan approval and as part of the continuing assessment process described at rule 441—93.111(239B), staff may require that clients take nationally recognized vocational tests, including the general aptitude test battery, as well as provide grade transcripts from previous training.

93.114(7) Testing before plan approval. Before plan approval for a client requesting GED, adult basic education, or English as a second language training, testing shall be conducted, when available, to determine a projected length of time for which the plan shall be approved. In regard to GED testing, a transportation allowance as described at subrule 93.110(6) and child care expenses shall be allowed if required in order for the client to participate.

93.114(8) Academic achievement requirements. Clients shall maintain the minimum cumulative grade point average required by the training facility which the client attends. If at the end of any term, a client's cumulative grade point average drops to less than that required by the training facility, the client shall be placed on probation for the next term when the counselor or the lead instructor in the educational program verifies in writing that the student's capability to complete the program has been demonstrated through regular class participation, practical application of course content, or successful work in other courses so that there is an excellent likelihood the student will raise the grade point to the acceptable level in the next semester, that the student will be able to raise the grade point average to the acceptable level through successful completion of the remaining coursework and tests, and that the student can still be expected to complete the program satisfactorily within the maximum participation period as required by subrule 93.114(3). This rule does not apply to parents under the age of 18 who are attending high school completion programs.

93.114(9) Clients are expected to maintain a full-time workload as defined by the training facility unless the department or designee has given approval to carry fewer hours in accordance with other requirements of these rules, for example, subrule 93.114(3). A half-time workload shall also be defined by the training facility when this is needed under other provisions of these rules, as in paragraph 93.114(3) "f."

93.114(10) Client responsibilities for plan approval. In order to have a plan approved, clients have the following responsibilities:

- a. Rescinded IAB 5/13/92, effective 7/1/92.
- b. A client must provide all information required to approve a Family Investment Agreement, Form 470-3095, and FIA Steps to Achieve Self-Sufficiency, Form 470-3096, which include vocational classroom training as an interim goal.
- c. Rescinded IAB 10/8/97, effective 11/12/97.

93.114(11) Approvable training plans. In order to have a plan approved, the plan must meet certain criteria:

- a. Training plans shall include a specific goal, that is, high school completion, improved English skills, development of specific academic or vocational skills, completion of which shall not exceed a maximum of 24 months of participation to complete high school, GED, or adult basic education, a maximum of 12 months to complete English as a second language classes, or shall not exceed the maximum participation limits for postsecondary classroom training as described in subrule 93.114(3). Up to an additional 12 months of ESL training may be allowed when need is determined by PROMISE JOBS staff. If the client is under the age of 18, the 24-month maximum to complete high school activities does not apply.

b. Training may be approved for high school completion activities, adult basic education, GED, English as a second language, and postsecondary education up to and including a baccalaureate degree program. In addition, the following training may be approved:

(1) Previously completed courses or training only when intended as a brush up.

(2) Correspondence courses only when the courses are required but not offered by a training facility attended by the client.

(3) Out-of-state training only when similar training is not available in-state, when required relocation to attend an in-state facility would be unnecessary by attending an out-of-state facility, or the only in-state facilities within commuting distance are private schools where tuition charges are higher than an out-of-state facility which is within commuting distance.

(4) College programs which lead to an associate of arts. Baccalaureate degree programs for clients not first pursuing an associate of arts degree may be approved only when the client has already earned all freshman credits and can enter the training facility as a sophomore.

(5) Continuing advanced training in the same vocational area, providing this training combined with previously completed training under this program does not exceed the maximum participation limits as described in subrule 93.114(3).

(6) Clients who complete a PROMISE JOBS-funded training program or who participate in PROMISE JOBS-funded training for the maximum participation limit as described in subrule 93.114(3) without completing the training program shall be considered for a new maximum participation period of training in a different vocational area only when a minimum of five years has elapsed since training was completed or the maximum participation period ended, unless labor market statistics document that employment is not available in the field in which the original training was received or the client has been unable to find employment in that field, despite a good faith effort, within two years of completing the training program or within two years of the end of the maximum participation period. Clients who drop out of a training program within the maximum participation period as described in subrule 93.114(3) and later reapply for classroom training shall be entitled only to any remaining months in the original maximum participation period.

(7) Prerequisite courses when they are required by a specific training program. Clients who fail to earn required grades for admission to a chosen program will not be approved to repeat these courses.

(8) Remedial coursework for one term when need is determined by testing conducted by the training facility.

(9) Summer school only when it does not result in additional PROMISE JOBS expenditures over those of a normal academic year unless required classes are only available during summer session, participation reduces the total length of time required to complete training, or summer attendance is required to maintain normal academic progress as defined elsewhere in these rules.

(10) College coursework, other than for an advanced degree, for clients already possessing a baccalaureate degree in order to obtain a teaching certificate.

(11) Continuing education units for clients only when needed to be recertified or retrained to reenter a field in which they were previously trained or employed.

c. No plan shall be approved for the following:

(1) The duration of the plan exceeds the known length of time during which the client will remain eligible for family investment program assistance.

(2) When available labor market statistics for a local area indicate low employment potential. Exceptions may be made when the client has a job offer prior to entering the training or if a client is willing to relocate after training to an area where there is employment potential. Clients willing to relocate must provide documentation from the department of workforce development, private employment agencies, or employers that jobs paying at least minimum wage for which training is being requested are available in the locale specified by the client.

(3) Jobs paying less than minimum wage.

(4) College coursework for a client who possesses a baccalaureate degree unless coursework is to obtain a teaching certificate or complete continuing education units in accordance with policy elsewhere in these rules.

(5) Plans containing requests for rings, pins, pictures, rental of graduation gowns, elective courses which require, in addition to books, expenditures for special equipment, for example, photography or art supplies, or field trips; and other items that are not required to complete training for a vocational goal.

(6) It is intended that clients shall become employed immediately after completing training. A training plan shall therefore be denied when a client states no intent of pursuing employment after training is completed.

(7) The course or training is one which the client has previously completed.

(8) The client was previously unable to maintain the cumulative grade point average required by the training facility in the same training for which application is now being made. This rule does not apply to parents under the age of 18 who are enrolled in high school completion activities.

(9) Training may be denied in any vocational area where PROMISE JOBS classroom training statistics or statistics from the former individual education and training plan program, based on statistics for the 24-month period prior to the date of application, document that the training completion rate or the entry to employment rate is less than 25 percent.

d. When a person described at 93.111(1)“g”(2) and (3) is still within the first quarter or semester of involvement in the person’s chosen training program, expense allowances cannot be approved, even if the training is otherwise approvable, until the person has completed assessment or has successfully completed the first quarter or semester of the training program in accordance with the requirements of the educational institution. Persons involved in training programs where quarters or semesters are not used must successfully complete four months of the training program before assistance can begin.

Assistance shall be approved effective with the second quarter or semester, or with the fifth month of participation in the training program, as applicable to the client’s situation.

93.114(12) Participation allowances. An allowance shall be made for certain expenses of training. Participants enrolled in high school completion, GED, ABE, ESL, or an approvable postsecondary vocational classroom training plan shall be eligible for payment for the following expenses of training when required for participation: child care; transportation; enrollment, school testing or school application fees; educational grant or scholarship application fees; certification and testing fees, travel costs required for certification or testing; and certain practicum expenses as described in 93.114(12)“a”(4).

In addition, participants enrolled in high school completion, GED, ABE, ESL, or short-term training programs of 29 weeks or less shall be eligible for consideration of payment for any direct education costs. Direct education costs are tuition, books, fees including graduation, basic school supplies, specific supplies related to obtaining credit for a course and required of all students in a course, and required uniforms.

PROMISE JOBS is authorized to provide payment for expenses allowable under these rules to the training facility for the educational expenses of tuition and fees and books and supplies which are provided by the facility and billed to the PROMISE JOBS participant. Payment may also be made to the client in those situations where this is determined to be appropriate by the PROMISE JOBS worker.

a. PROMISE JOBS allowances for classroom training are limited as follows:

(1) Rescinded IAB 10/8/97, effective 11/12/97.

(2) Tuition allowances for all other programs (high school completion, GED, ABE, ESL, or short-term training programs of 29 weeks or less) shall not exceed the rate charged by the state of Iowa area school located nearest to the participant’s residence which offers a course program comparable to the one in which the participant plans to enroll. If an area school in Iowa does not offer a comparable program, the maximum tuition rate payment shall not exceed the Iowa resident rate charged by the area school located nearest to the participant’s residence.

(3) A standard allowance of \$10 per term or actual cost, whichever is higher, for basic school supplies shall be allowed for those participants who request it. A claim for actual costs higher than \$10 must be verified by receipts.

(4) A per diem allowance of \$10 for living costs during a practicum shall be allowed when the practicum is required by the curriculum of the training facility, would require a round-trip commuting time of three hours or more per day, and is not available closer to the client’s home. If practicum earnings

or any nonreimbursable assistance is available to meet practicum living costs, no allowance shall be made.

(5) Allowances may also be authorized to meet the costs of travel required for certification and testing, not to exceed the transportation allowance as described at 93.110(6) and the current state employee reimbursement rate for meals and lodging.

(6) No allowance shall be made for any item that is being paid for through earnings that are diverted for that purpose.

(7) Funds may not be used to purchase supplies to enable a participant to begin a private business.

b. Participants shall submit Form 470-0510, Estimate of Cost, to initiate allowances or change the amount of payment for expenses other than child care. Participants shall use PROMISE JOBS allowances which they receive to pay authorized expenses. Participants are eligible for child care assistance, as described at 441—Chapter 170, if child care is required for participation in any PROMISE JOBS component other than orientation.

c. Participants shall furnish receipts for expenditures which they pay, except for transportation allowances. Failure to provide receipts will preclude additional payments.

d. Receipts may be requested for allowances paid directly to the training provider if the PROMISE JOBS worker determines it is appropriate.

93.114(13) Payment of allowances.

a. Participant eligibility for payment of transportation and child care allowances shall commence for that month, or part thereof, that the participant begins training under an approved plan or is removed from a waiting list as described at 93.105(3), whichever is later, and shall be terminated when training is terminated.

b. PROMISE JOBS responsibility for financial assistance begins with that month, or part thereof, during which the participant begins training under an approved plan or is removed from a waiting list as described at 93.105(3), whichever is later.

c. Retroactive payments of transportation and allowable direct education costs shall only be allowed under the following conditions:

(1) If plan approval or removal from a waiting list as described at 93.105(3), whichever is later, occurs after the start of the term due to administrative delay or worker delay, payments shall be approved retroactive to the start of the term for which the plan is approved or removal from the waiting list is authorized. If costs were already paid by the participant with private resources, the participant shall be reimbursed.

(2) If plan approval or removal from a waiting list as described at 93.105(3), whichever is later, is delayed due to the suspension of FIP benefits, retroactive payments for the month of suspension shall be made. If costs were already paid by the participant with private resources, the participant shall be reimbursed.

(3) If plan approval is delayed due to the fault of the participant, payment eligibility shall begin with the first day of the month during which the plan is approved or the month in which the participant is removed from a waiting list as described at 93.105(3), whichever is later. In this instance, there shall be no reimbursement for costs already paid by the participant.

d. Rescinded IAB 1/1/97, effective 3/1/97.

e. When a participant receives transportation payments from another program which equals or exceeds that possible under PROMISE JOBS, transportation shall not be paid by PROMISE JOBS for any month covered by the other program. When the amount received from another program is less than that possible under PROMISE JOBS, a supplemental payment may be made as long as the combined payment does not exceed that normally paid by PROMISE JOBS.

f. Payments shall not exceed the rate that the provider would charge a private individual.

93.114(14) Completion or termination of a training plan.

a. Participants who successfully complete their training plans may keep any books or supplies, including tools, which were purchased with PROMISE JOBS funds.

b. Participants who do not complete their training program and do not obtain training-related employment within 60 days of leaving training shall return all reusable supplies, including books and tools, but not clothing, purchased by PROMISE JOBS.

(1) Staff are authorized to donate to nonprofit organizations any items which they determine are unusable by the program.

(2) When tools are not returned, the amount of the PROMISE JOBS payment shall be considered an overpayment unless the participant verifies theft of the tools through documentation of timely report to a law enforcement agency.

c. Rescinded IAB 7/21/04, effective 9/1/04.

d. A worker shall terminate a training plan and offer the participant the opportunity to renegotiate and amend the FIA when the participant, after a school term of probation as described in subrule 93.114(8), is unable to achieve the cumulative grade point average required by the training facility. This paragraph does not apply to parents under the age of 18 who are enrolled in high school completion activities.

e. A worker may terminate a training plan and offer the opportunity to renegotiate and amend the FIA when it can be documented that the participant's continuation in the training program is detrimental to family functioning. This paragraph does not apply to parents under the age of 18 who are enrolled in high school completion activities.

f. Classroom training participants who do not follow the requirements of a training plan are considered to have chosen the limited benefit plan as described in 441—subrule 41.24(8). Before issuing a notice of decision to impose the limited benefit plan, PROMISE JOBS staff shall send one written reminder or letter to attempt to resolve the issue. The reminder or letter shall identify the participation issue, clarify expectations, attempt to identify barriers to participation, explain the consequences of the LBP, and offer supervisory intervention. LBP resolution policies at subrules 93.138(2) and 93.138(3) apply when the classroom training participant chooses the LBP in the following situations:

(1) The participant fails to appear for two consecutive scheduled appointments with the worker without good cause. The client shall have been notified of the appointments in writing. The written notice to schedule the second appointment shall remind the client of the need to participate and attempt to resolve the issue as previously described in this paragraph.

(2) Rescinded IAB 2/6/02, effective 4/1/02.

(3) The participant states that there is no intent to become employed after completing training.

(4) The participant fails to cooperate in providing information concerning grades, academic progress, financial resources, change of address, change of telephone number, or change of family composition.

(5) The participant fails to provide verification, as described at subrule 93.135(2), of hours of attendance in an educational program.

(6) The participant misuses expense allowances to the extent that the training plan is no longer achievable.

(7) The participant knowingly provides receipts or any other written statements which have been altered, forged, or, in any way, are not authentic.

(8) The participant withdraws from courses or from the training program without prior PROMISE JOBS approval.

Policies at rules 441—93.133(239B) and 441—93.134(239B) apply to all of the above. When a situation described in subparagraphs (3) through (8) above occurs, participation is an issue at the first occurrence unless the person is experiencing problems or barriers to participation as described at rules 441—93.133(239B) and 441—93.134(239B). To attempt to resolve the issue, PROMISE JOBS staff shall send a letter as previously described in this paragraph.

g. When it becomes apparent that the participant cannot complete the training plan within the maximum participation limit, as described at 93.114(3), the PROMISE JOBS worker shall determine whether termination of the training plan is appropriate.

(1) When the participant cannot complete the training plan within the maximum participation limit as described at subrule 93.114(3), the worker shall continue the plan and pay expenses, if appropriate, up

to the limit of the maximum participation limit when the counselor or lead instructor in the educational program verifies in writing that the student's progress or achievement meets the grade-point requirement, and the student's interest and participation indicate there is likelihood of successful completion of the program, and the remaining coursework could be completed within the additional six-month period of time. In addition, the student must be able to demonstrate access to financial resources which will enable completion of the program during the additional six months.

(2) In addition, when it is determined that the participant can complete the training plan within six months after the expiration of the maximum participation limit described at 93.114(3), the worker shall waive participation in other components after the end of the maximum participation period as long as the participant is attending the training facility.

(3) The PROMISE JOBS worker shall terminate the training plan at the point in time when it becomes obvious that the participant cannot complete the training plan within six months after expiration of the maximum participation period described at 93.114(3).

h. Rescinded IAB 9/11/96, effective 11/1/96.

i. Participants who choose the LBP as described at subparagraphs 93.114(14)“*f*”(6) and (7), or participants who fail to return supplies, when required, shall not be eligible for future classroom training services for a period of two years. The two-year period shall begin with the effective date of the LBP or the effective date of a notice of decision which cancels the classroom training plan, whichever is appropriate.

(1) In addition, future classroom training services shall not be approved unless receipts for previous allowances are provided; PROMISE JOBS-funded items, when required, are returned; or the value of the items is refunded.

(2) When the amount of the PROMISE JOBS payment for tools has been considered an overpayment as described in 93.114(14)“*b*”(2), the participant may refund the claim balance as recorded in the Overpayment Recovery System to meet this requirement.

93.114(15) *Maximum limit on PROMISE JOBS funding.* Notwithstanding subrules 93.114(1) through 93.114(14), any participant who develops one or more FIAs on or after July 1, 1996, that include approvable postsecondary vocational classroom training shall be eligible for consideration for PROMISE JOBS expenses allowable under these rules for no more than 24 months within a 48-consecutive-month period. Except for this funding limit, all other policies at subrules 93.114(1) to 93.114(14) apply, including the established time frames described in 93.114(3) and 93.114(14)“*g*,” for including postsecondary vocational classroom training in the FIA, without requiring other FIA activities.

a. For purposes of this subrule, an FIA is considered to be developed when it is signed by a FIP participant who has never before signed an FIA or who must sign another FIA because FIP eligibility has been reestablished after FIP reapplication with a break in FIP assistance of more than one month.

b. The period of 48 consecutive months begins with the first month that the participant is eligible for consideration for PROMISE JOBS expense allowances. It is not altered by breaks in FIP assistance or breaks from the postsecondary vocational classroom training activity.

c. The period of 24 months of eligibility for PROMISE JOBS expense allowances under these rules begins with the first month that the participant is eligible for consideration for PROMISE JOBS expense allowances. A month is considered funded even if no allowance is issued because the client has no expense in a month.

441—93.115(239B) Unpaid community service. Unpaid community service shall provide participants with opportunities to establish or reestablish contact with the work force in a nonthreatening environment while providing services which are of direct benefit to the community.

93.115(1) *Unpaid community service work sites.* Unpaid community service work sites shall be public or private nonprofit organizations.

a. When an applicant or participant and the PROMISE JOBS worker agree that an unpaid community service placement is appropriate, the participant is responsible for locating and making arrangements with the work site.

b. The PROMISE JOBS provider agencies shall develop local listings of potential unpaid community service work sites which participants can use when selecting a work site.

c. Work site organizations which provide unpaid community service work sites shall receive a written explanation of the following placement criteria. The placement shall:

- (1) Not be related to political, electoral or partisan activities.
- (2) Not be developed in response to or in any way associated with the existence of a strike, lockout or other bona fide labor dispute.
- (3) Not violate any existing labor agreement between employees and employer.
- (4) Comply with applicable state and federal health and safety standards.
- (5) Not be used by work site organizations to displace current employees or to infringe on their promotional opportunities, shall not be used in place of hiring staff for established vacant positions, and shall not result in placement of a participant in a position when any other person is on layoff from the same or an equivalent position in the same unit.

93.115(2) *Appropriate use of unpaid community service.* The unpaid community service component is expected to be used by participants for whom more intensive efforts toward self-sufficiency are not appropriate at the moment. Participants may combine this activity with another such as, but not limited to, GED or other high school completion, ESL, FaDSS or other family development services, and parenting skills training. It is expected that the unpaid community service work site will be less demanding than work experience placements and specific skills-training tasks are not required.

93.115(3) *Participation requirements.*

a. Formal interviews are not required to establish the relationship between the participant and the work site organization.

b. The length of the work site assignment and the weekly hours of participation will be determined through agreement among the work site organization, the participant, and the PROMISE JOBS worker.

c. The director (or designee) of the work site organization shall be asked to verify the monthly hours of participation using Form 470-3097, Unpaid Community Service Monthly Report, provided by the PROMISE JOBS provider agencies.

93.115(4) *Allowances for unpaid community service placement.* Unpaid community service work sites may offer on-site child care and other participant-friendly services. A child care allowance and a transportation allowance for each month of participation or part thereof, as described at subrule 93.110(6), shall be paid if these services are not provided by the work site organization and are required for participation.

441—93.116(239B) Parenting skills training.

93.116(1) *Parents aged 20 and over.* For parents aged 20 and over when the FIA is signed, activities which strengthen the participant's ability to be a better parent can be approvable training under PROMISE JOBS and may be included in the FIA as long as the participant is active in at least one other PROMISE JOBS component. Parents aged 20 and over who do not carry out the parenting skills training described in the FIA have chosen the LBP, unless family circumstances warrant renegotiation and amendment of the FIA.

93.116(2) *Parents aged 19 and younger.* Parents aged 19 and younger when the FIA is signed are required to include parenting skills training in the FIA.

a. The FIA shall be written or renegotiated and amended to include specific plans for parenting skills training, with provider name and beginning and ending date. The scheduled training may be in the future to accommodate availability of provider resources. However, it shall occur as soon as is compatible with the circumstances of the family, the other activities in the FIA, and the availability of provider resources, except as specified at subrule 93.105(3).

b. Parents aged 19 and younger are not required to be active in another PROMISE JOBS component to be eligible for parenting skills training. Other PROMISE JOBS components are included in the FIA according to policies at rule 441—93.109(239B).

c. Parents aged 19 and younger who do not include parenting skills training in the FIA or do not carry out the parenting skills training described in the FIA have chosen the LBP. Policies

regarding problems with participation, rule 441—93.133(239B), and barriers to participation, rule 441—93.134(239B), apply.

d. Parents who sign the FIA while the age of 19 and younger shall honor the duration of the parenting skills training as arranged under policies in subrule 93.116(6) when they become the age of 20 before the training is completed, as long as their FIA responsibility continues.

93.116(3) Expense allowances. For participants described in subrules 93.116(1) and 93.116(2), a child care allowance and a transportation allowance for each month of participation, or part thereof, as described at subrule 93.110(6), shall be paid if these services are not provided by any other entity and are required for participation. Payment for tuition, fees, or books and supplies shall be paid only when parenting skills training is not available from a nonreimbursable source in the SDR.

a. PROMISE JOBS shall not pay allowances for any of these expenses which can be covered by student financial aid in postsecondary educational institutions as provided elsewhere in these rules.

b. If the participant chooses to continue with the parenting skills training program beyond the designated period of participation described in subrule 93.116(6), PROMISE JOBS responsibility for payment of expense allowances shall not extend beyond the designated period unless completion is delayed by problems with participation or barriers to participation.

93.116(4) Approvable providers. The following sources are approvable providers for parenting skills training:

a. High school departments of family and consumer sciences which offer child development, family relationships, or parenting classes and alternative high school programs for pregnant and parenting teens.

b. Community colleges, other associate-degree institutions, and baccalaureate-degree institutions which offer child development, family relationships, or parenting classes.

c. Area education agencies; child abuse prevention programs; child and adult food program sponsors; child care resource and referral agencies; family resource centers; maternal and child health centers; Family Development and Self-Sufficiency program grantees and other family development providers; Head Start, Head Start Parent and Child Centers, and Early Head Start programs; Iowa State University Extension services such as, but not limit to, the “Best Beginnings” program; rehabilitative treatment services such as family-centered services, and family preservation as described in 441—Chapter 185; private nonprofit social service agencies, and young parent support and information organizations.

93.116(5) Other approvable providers. Other providers of parenting skills training are approvable as long as they offer training within the time frames described at subrule 93.116(6) and have five of these six elements: child growth and development, child health and nutrition, child safety, positive discipline, relationships, and life skills.

93.116(6) Duration for parenting skills training.

a. The planned duration of the parenting skills training shall be determined by agreement between the participant and the training provider within the limits described in paragraph “*b.*” In consultation with PROMISE JOBS staff, the participant and the provider shall design a written agreement and provide a copy to PROMISE JOBS. The agreement shall designate the period of time during which the mandatory parenting skills training requirement will be fulfilled. A notice of decision from the department regarding rehabilitative treatment services such as family-centered services, and family preservation, as described in 441—Chapter 185, which contains a specific time period of service may be used in lieu of the agreement. The period of time in the agreement or notice of decision shall be included in the FIA. Participants who fail to carry out this step in the FIA shall be choosing the LBP.

b. The planned mandatory duration of training by providers shall be limited as follows:

(1) Services from providers described in paragraph 93.116(4) “*a.*” shall be limited to a minimum of one semester and a maximum of two semesters.

(2) Services from providers described in paragraph 93.116(4) “*b.*” shall be limited to one semester or two quarters.

(3) Services from providers described in paragraph 93.116(4) “c” and in subrule 93.116(5) shall be limited to a minimum of six contact hours or six weeks, whichever comes first, and to a maximum of 26 contact hours or six calendar months, whichever comes first.

93.116(7) Other policies specific to parents aged 19 or younger.

a. Parents aged 19 or younger who have satisfactorily completed parenting skills training before signing the FIA may be excused from the requirement when documentation of the successful completion is provided before the FIA is signed.

b. Parents aged 19 or younger who are participating in a parenting skills training program at the time the FIA is signed shall be allowed to continue in that program, if they choose, as long as the provider appears in subrule 93.116(4) or meets the requirements of subrule 93.116(5) and documentation of enrollment is provided. An agreement as described in paragraph 93.116(6) “a,” or the time period of rehabilitative services included in a notice of decision from the department, shall be used to determine the remaining training time to be included in the FIA.

c. In any month, PROMISE JOBS shall give priority for orientation or assessment services to parents who are already the age of 19 in order to establish their responsibility for parenting classes before they are the age of 20. This applies to those who are scheduled for orientation, still in assessment, and to those who have an FIA which must be renegotiated and amended.

93.116(8) Training phase-in. PROMISE JOBS shall phase in the inclusion of parenting skills training into the FIAs of parents aged 19 or younger who are current PROMISE JOBS participants and are in PROMISE JOBS assessment or who already have an FIA on November 1, 1996.

a. PROMISE JOBS shall, before February 1, 1997, complete the process of including parenting skills training in the FIA for all parents aged 19 or younger who were referred to PROMISE JOBS before November 1, 1996.

b. Each FIA shall be written or renegotiated and amended to include specific plans, with provider name and beginning and ending date, for parenting skills training. The training shall begin as soon as is compatible with the circumstances of the family, the other activities in the FIA, and the availability of provider resources, except as specified at subrule 93.105(3), but no later than September 1, 1997. If the parent does not participate in the renegotiation and amendment process, this is considered choosing the LBP.

441—93.117(239B) Health and safety. The PROMISE JOBS staff may require a person to complete a physical examination prior to including a particular PROMISE JOBS component or other activity in the FIA when a participant specifies or exhibits any physical conditions which might jeopardize successful participation in the program.

93.117(1) Physician’s report. The physician should indicate to the best of the physician’s knowledge that the person is capable of completing the FIA activity or continuing with appropriate employment.

93.117(2) Rescinded IAB 12/8/93, effective 1/1/94.

93.117(3) Safety precautions. If the FIA activity is so hazardous that safety glasses, hard hats, and so forth are needed, participation shall not be arranged or approved unless these safety precautions are available.

441—93.118(239B) Family planning. Referral for family planning is an optional service which shall be offered to each applicant or participant. It is not a component of PROMISE JOBS. LBP policies do not apply to participants who choose not to include family planning counseling in the FIA Steps to Self-Sufficiency or who do not carry out the steps of family planning counseling.

PROMISE JOBS staff shall discuss orally and in writing the financial implications of newly born children on the participant’s family during PROMISE JOBS assessment, using Form 470-0806, Self-Assessment, or other form approved by the department which includes analysis of changes in family expenses due to additions to the family. In addition, PROMISE JOBS staff shall review information about the basics of family planning and provide a listing of resources in the participant’s county of residence or the SDR.

The FIA shall record participant response to the option of referral for family planning counseling. It is not acceptable for the FIA to have family planning counseling as the only step of the FIA.

Participants referred to PROMISE JOBS before the effective date of this policy shall be given the opportunity to choose whether to include family planning counseling in the FIA. Those who desire to do so shall include family planning counseling in the FIA at the next PROMISE JOBS office visit required to review FIA progress or to renegotiate and amend the FIA for other reasons.

441—93.119(239B) PROMISE JOBS family development. PROMISE JOBS family development services are support services, other than FaDSS, for PROMISE JOBS families at risk of long-term dependency on public assistance. The services are designed to promote, empower, and nurture the family to self-sufficiency and healthy reintegration into the community. PROMISE JOBS family development services shall be provided by a family development specialist certified by the University of Iowa College of Social Work, National Resource Center on Family-Based Services, or provided under a plan that has been approved by the family development and self-sufficiency council of the department of human services.

PROMISE JOBS may arrange for family development services from entities that meet one of the above criteria wherever these are available.

Acceptance of family development services by participants is voluntary except as described at subparagraph 93.109(2)“b”(5).

441—93.120(249C) Completion or termination of a plan. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.121(239B) Assignment to work experience.

93.121(1) Work experience requirements. Work experience shall combine work site assignment and job search activities.

a. Applicants or participants who choose work experience placement shall be assigned to work sites on a schedule which uses eight hours per day, between the hours of 8 a.m. and 6 p.m., Monday through Friday, unless the participant agrees to another schedule. The number of days per week shall be determined by agreement among the participant, the sponsor, and the PROMISE JOBS worker, with a maximum of four days and a minimum of one day. The number of days, the scheduled hours, and the length of the assignment shall reflect the assessed needs of the participant and the needs of the sponsor, using the standard that participation shall be equivalent to the level of commitment required for full-time employment or shall be significant so as to move toward that level.

b. Work experience placements may be combined with monitored employment or with participation in other PROMISE JOBS activities such as, but not limited to, GED or other high school completion activities, parenting skills training, postsecondary classroom training, or placement on a PROMISE JOBS waiting list for postsecondary classroom training.

c. In addition to work experience placement, participants shall also engage in job-seeking activities one day per week unless they are also participating in classroom training activities.

Job-seeking activities for work experience participants shall include contacting a minimum of five employers per week unless fewer are specified by staff. Job search contacts shall be documented as described at 93.135(3).

d. Each work experience assignment shall not exceed six months in duration. Persons who complete a work experience assignment may move to another option as provided under the FIA, be assigned to a different work site, or be reassigned to the same work site, whichever is appropriate under the FIA.

e. Participants who are assigned to work experience may move to another component to facilitate regular employment before completing the months of the assignment when it is felt that sufficient work experience has been gained.

93.121(2) Work sites shall provide participants with work experience and on-the-job training opportunities while providing services which are of direct benefit to the community. Work sites shall be limited to public and nonprofit agencies. Participants may be placed at work sites with religious

institutions only when work performed is nonsectarian and not in support of sectarian activities. Participants may not be used to replace regular employees in the performance of nonsectarian work for the purpose of enabling regular employees to engage in sectarian activities.

93.121(3) Employers who participate in the work experience program shall be referred to as sponsors. Sponsors who request work experience participant placements shall complete Form 470-0809, Sponsor's Request for Work Experience (WEP) Participant, for each type of position which they wish to fill and shall include a complete job description specifying all tasks to be performed by the participant. Work experience positions must contain the same job description and performance requirements that would exist if the sponsor were hiring an individual for the same position. PROMISE JOBS has final authority to determine suitability of any work experience position offered by a sponsor. Work experience positions must meet additional criteria as follows:

- a. Shall not be related to political, electoral or partisan activities.
- b. Shall not be developed in response to or in any way associated with the existence of a strike, lockout or other bona fide labor dispute.
- c. Shall not violate any existing labor agreement between employees and employer.
- d. Shall comply with applicable state and federal health and safety standards.
- e. Shall not be used by sponsors to displace current employees or to infringe on their promotional opportunities, shall not be used in place of hiring staff for established vacant positions, and shall not result in placement of a participant in a position when any other person is on layoff from the same or an equivalent position in the same unit.

93.121(4) Vocational skills and interests which the registrant possesses shall be matched as closely as possible with the job description and skills requirement specified by the sponsor.

93.121(5) Participants shall interview for and accept positions offered by work experience sponsors. Participants shall present Form 470-0810, Referral for Work Experience (WEP) Placement, to the sponsor at the interview. The form shall be completed by the sponsor and returned to PROMISE JOBS.

93.121(6) Although sponsors are expected to accept for placement work experience referrals made by PROMISE JOBS, sponsors may refuse any referrals they deem inappropriate for the position which they have available. Sponsors shall not discriminate because of race, color, religion, sex, age, creed, physical or mental disability, political affiliation or national origin against any program participant. Sponsors who refuse a referral must notify PROMISE JOBS staff in writing of the reason for the refusal.

93.121(7) Sponsors shall complete and provide a monthly evaluation of the participant's performance using Form 470-0805, Work Experience Participant Evaluation, to PROMISE JOBS and the participant.

93.121(8) Sponsors shall complete Form 470-0805, Work Experience Participant Evaluation, at the time of termination for each work experience participant. When termination occurs at sponsor request, the sponsor shall specify the reason for termination and identify those areas of unsatisfactory performance. For participants who leave to accept regular employment or reach their work experience placement time limit, the sponsor's evaluation shall indicate whether or not a positive job reference would be provided if the participant requested one.

93.121(9) Allowances for work experience placements. Participants assigned to work experience shall receive a child care allowance, if required, and a transportation allowance for each month or part thereof as described at subrule 93.110(6). The portion of the transportation allowance for job-seeking activities shall be determined by including the day of the job search obligation in the normally scheduled days used in the formulas described at subrule 93.110(6).

93.121(10) Required clothing and equipment. Clothing, shoes, gloves, and health and safety equipment for the performance of work at a work site under the program, which the participant does not already possess, shall be provided by the entity responsible for the work site or, in the case of safety equipment which the work site entity does not normally provide to employees, through PROMISE JOBS expense allowances. Under no circumstances shall participants be required to use their assistance or their income or resources to pay any portion of their participation costs.

a. Items which are provided by the entity responsible for the work site shall remain the property of the entity responsible for the work site, unless the participant and the entity agree to a different arrangement.

b. Safety equipment which the entity responsible for the work site does not normally provide to employees, including, but not limited to, steel-toed shoes, may be provided through PROMISE JOBS expense allowances up to a limit of \$100 per participant per work site assignment. Participants who complete the FIA activity keep the safety equipment. Participants who choose the limited benefit plan shall return all reusable safety equipment, excluding clothing.

441—93.122(239B) FIP-UP work program. Rescinded IAB 11/1/00, effective 1/1/01.

441—93.123(239B) PROMISE JOBS on-the-job training (OJT). Under OJT, a PROMISE JOBS participant shall be hired by a private or public employer and, while engaged in productive work, receive training that provides knowledge or skills essential to the full and adequate performance of that job.

93.123(1) PROMISE JOBS OJT participants. PROMISE JOBS participants eligible for OJT shall be hard-to-place participants such as, but not limited to, those who lack work skills, have outdated skills, or have demonstrated difficulty in finding employment.

93.123(2) PROMISE JOBS OJT contracts. PROMISE JOBS staff shall enter into a contract with the OJT employer for providing training and additional supervision to the participant, using a contract format established by the department or PROMISE JOBS provider agency designee which contains these requirements:

a. The participant is hired by the OJT employer after the contract is signed and is to be retained by the employer as a regular employee at the end of the OJT.

b. The job is full-time, defined as 30 or more hours per week.

c. The participant will engage in productive work.

d. The specific knowledge or skills to be gained through the training are described in detail.

e. The length of the training period is established as provided in subrule 93.123(4).

f. The participant is compensated by the employer at the same rates, including benefits and periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the federal or Iowa minimum wage, whichever is higher.

g. The employer shall provide training and additional supervision, if needed, to enable the participant to gain knowledge and skills essential to the job.

h. The rate and time of the compensation to reimburse the employer for training and additional supervision are established as described at subrule 93.123(3).

i. Qualitative and quantitative measures are established which the OJT employer, the PROMISE JOBS participant, and the department (through the PROMISE JOBS staff as designees) shall use to determine whether the participant is making good or satisfactory progress in gaining the knowledge or skills described in the specific contract and whether the training shall continue.

j. An employer is required to provide a monthly report on good or satisfactory progress using Form 470-2617, PROMISE JOBS Time and Attendance, or other form which contains all of the elements of Form 470-2617, allowing reporting of good or satisfactory progress under the qualitative and quantitative measures included in the contract, and is approved by the department or the PROMISE JOBS provider agencies as designees.

93.123(3) PROMISE JOBS OJT employer reimbursement. The department shall have the administrative authority to establish the statewide standard for the rate and time of reimbursement to be included in the OJT contract, subject to state and federal budgetary limitations.

a. The department shall establish a statewide standard for rate and time of reimbursement.

(1) The methodology for establishing the statewide reimbursement rate shall be determined each time that the statewide rate is established. It may include, but is not limited to, a payment rate for units of training time such as hours or weeks, or a payment rate based on an average of a specified percent of the wages paid to the participant during the training period.

(2) No matter what methodology is used to establish the statewide rate, the payments shall never exceed an average of 50 percent of the wages paid by the employer to the participant during the period of training.

b. The amount of the reimbursements per participant shall be based on the standard established rate and the duration of the OJT as provided at subrule 93.123(4).

c. The time of the reimbursements shall be related to the ending date of the OJT or the date the OJT participant leaves the OJT before the training is completed.

d. PROMISE JOBS staff shall require the OJT employer to document the claim for reimbursement using a claim format which contains the following elements:

- (1) Employer name, address, and federal employer ID number.
- (2) Participant name and social security number.
- (3) Beginning and ending dates of the claim period.
- (4) Wage paid per hour.
- (5) Total hours worked in the claim period and total wages paid in the claim period.
- (6) Day-by-day record of daily hours of employment in the claim period.

93.123(4) *Duration of PROMISE JOBS OJT training period.* PROMISE JOBS OJT is limited to occupational training which can be completed within six months. PROMISE JOBS staff shall use guidance from the U.S. Department of Labor to establish appropriate durations for occupational training which can be completed within the six-month limit.

93.123(5) *OJT participant eligibility for PROMISE JOBS.* If a participant in OJT becomes ineligible for FIP due to income policies as described at 441—subrule 41.27(2), the participant shall remain a PROMISE JOBS participant for the purpose of managing and tracking the OJT. The participant in these circumstances is eligible for the supportive services which are available to any other employed PROMISE JOBS participant.

93.123(6) *Wages paid to a PROMISE JOBS OJT participant.* Wages paid to participants in OJT are considered to be earned income for purposes of any provision. OJT is not considered subsidized employment.

441—93.124(249C) Referral for UP-CWEP services. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.125(249C) JTPA UP-CWEP responsibilities. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.126(249C) UP-CWEP provider agency responsibilities. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.127(249C) Assignment to UP-CWEP work sites. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.128(249C) UP-CWEP relationship with job search activities. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.129(239B) Nonparticipation by volunteers. Rescinded IAB 7/21/04, effective 9/1/04.

441—93.130(249C) Sanctions for mandatory participants aged 16 or 17 who are required to participate in high school completion activities. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.131(239B) Failure to participate in classroom training.

93.131(1) Rescinded IAB 9/11/96, effective 11/1/96.

93.131(2) *Participants aged 17 or younger.* A participant aged 17 or younger who chooses not to participate in high school completion activities shall be considered to have chosen the LBP. The participant may choose other FIA options only if the local education agency will not allow a participant to enroll in high school completion activities.

441—93.132(239B) Participation issues for FIA-responsible persons. PROMISE JOBS participants who do not carry out the responsibilities of the FIA are considered to have chosen the limited benefit plan, as described at 441—subrule 41.24(8).

The participation issues in this rule are those which are important for effective functioning in the workplace or training facility and to the completion of the FIA.

When PROMISE JOBS staff send a written reminder, request, or other notification as specified below in the descriptions of the participant issues that apply to this rule, the notification shall identify the participation issue, clarify expectations, attempt to identify barriers to participation, explain the consequences of the LBP, and offer supervisory intervention.

Participants who, for reasons other than those described at rule 441—93.133(239B), do not resolve these issues shall be considered to have chosen the limited benefit plan, unless participant circumstances are revealed which indicate that a barrier to participation exists which should be addressed in the FIA.

Those who may be considered to have chosen the limited benefit plan are:

1. Participants who are more than 15 minutes late for a third time within three months of the first lateness, after receiving one written reminder at the time the second lateness occurred.
2. Participants who do not, for a second time after receiving one written reminder at the first occurrence, appear for scheduled appointments, participate in appraisal activities, complete required forms, or take required vocational or aptitude tests, or are absent from activities designated in the FIA or other self-sufficiency plan.
3. Participants who do not, for a second time after receiving one written reminder at the first occurrence, notify work experience sponsors or PROMISE JOBS staff of absence within one hour of the time at which they are due to appear.
4. Participants who exhibit disruptive behavior for a second time after receiving one written reminder at the first occurrence. Disruptive behavior means the participant hinders the performance of other participants or staff, refuses to follow instructions, uses abusive language, or is under the influence of alcohol or drugs.
5. Participants who fail to secure physical examinations after one written request to do so.
6. Participants whose performance continues to be unsatisfactory after they have been notified by program or provider agency staff of unacceptable performance and what is necessary to make performance acceptable. Notification of unsatisfactory performance may be oral initially, but shall be documented to the participant in writing.
7. Participants who make physical threats to other participants or staff. A physical threat is defined as having a dangerous weapon in one's possession and either threatening with or using the weapon or committing assault.
8. Participants who do not accept work experience assignments when the work experience option is part of the FIA.
9. Participants who do not, for a second time after receiving a written reminder at the first occurrence, appear for work experience interviews.
10. Participants who do not follow up on job referrals, refuse offers of employment or terminate employment, or who are discharged from employment due to misconduct. For the purposes of these rules, "misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of the worker's contract of employment. To be considered "misconduct," the employee's conduct must demonstrate deliberate violation or disregard of standards of behavior that the employer has the right to expect of employees. Mere inefficiency, unsatisfactory conduct, failure to perform well due to inability or incapacity, ordinary negligence in isolated instances, or good-faith errors in judgement or discretion are not to be deemed misconduct for the purpose of these rules.
11. Participants who do not secure adequate child care when registered or licensed facilities are available.
12. Participants for whom child care, transportation, or educational services become unavailable as a result of failure to use PROMISE JOBS funds or child care assistance funds to pay the provider or failure to provide required receipts.

13. FIA-responsible persons who are required to participate in high school completion activities and who fail to provide grade transcripts or reports.

When a situation as described in numbered paragraph “7,” “8,” “10,” “11,” “12,” or “13” above occurs, participation is an issue at the first occurrence unless the participant is experiencing problems or barriers to participation as described at rules 441—93.133(239B) and 93.134(239B). Before issuing a notice of decision to impose the limited benefit plan, PROMISE JOBS staff shall send one letter that includes the elements described earlier in this rule to attempt to resolve the issue. When a situation as described in numbered paragraph “7” above occurs, the letter shall give the participant an opportunity to provide written documentation from a doctor, licensed psychologist, probation officer, or law enforcement official to resolve the participation issue. The documentation must verify that the act was caused by either a temporary problem or a serious problem or barrier that needs to be included in the FIA. The documentation must also provide reasonable assurance that the threatening behavior will not occur again.

441—93.133(239B) Problems with participation of a temporary or incidental nature. Problems with participation as described below shall be considered to be of a temporary or incidental nature when participation can be easily resumed. These problems are acceptable instances when a participant is excused from participation or for refusing or quitting a job or limiting or reducing hours or for discharge from employment due to misconduct as described at rule 441—93.132(239B).

93.133(1) *Acceptable instances when a person is excused from participation.*

a. Illness. When a participant is ill more than three consecutive days or if illness is habitual, staff may require medical documentation of the illness.

b. Required in the home due to illness of another family member. Staff may require medical documentation for the same reasons as when a participant is ill.

c. Family emergency, using reasonable standards of an employer.

d. Bad weather, using reasonable standards of an employer.

e. Absent or late due to participant’s or spouse’s job interview. When possible, the participant shall provide notice of the interview at least 24 hours in advance including the name and address of the employer conducting the interview. When 24-hour notice is not possible, notice must be given as soon as possible and prior to the interview.

f. Leave due to the birth of a child. When a child is born after referral, necessary absence shall be determined in accordance with the Family Leave Act of 1993.

93.133(2) *Acceptable instances when a person is excused from participation or for refusing or quitting a job or limiting or reducing hours or for discharge from employment due to misconduct as described at rule 441—93.132(239B).*

a. Required travel time from home to the job or available work experience or unpaid community service site exceeds one hour each way. This includes additional travel time necessary to take a child to a child care provider.

b. Except as described in 441—subrule 41.25(5), work offered is at a site subject to a strike or lockout, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 U.S.C. 78A) (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

c. Violates applicable state or federal health and safety standards or workers’ compensation insurance is not provided.

d. Job is contrary to the participant’s religious or ethical beliefs.

e. The participant is required to join, resign from or refrain from joining a legitimate labor organization.

f. Work requirements are beyond the mental or physical capabilities as documented by medical evidence or other reliable sources.

g. Discrimination by an employer based on age, race, sex, color, handicap, religion, national origin or political beliefs.

h. Work demands or conditions render continued employment unreasonable, such as working without being paid on schedule.

i. Circumstances beyond the control of the participant, such as disruption of regular mail delivery.

93.133(3) *Jobs that participants have the choice of refusing or quitting or limiting or reducing, or instances when participants are excused for discharge from the job due to misconduct as described at rule 441—93.132(239B).*

a. Employment change or termination is part of the FIA.

b. Job does not pay at least the minimum amount customary for the same work in the community.

c. Employment is terminated in order to take a better-paying job, even though hours of employment may be less than current.

d. The employment would result in the family of the participant experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the person was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance. Gross income does not include food stamp benefits and in-kind income.

e. The employment changes substantially from the terms of hire, such as a change in work hours, work shift, or decrease in pay rate.

93.133(4) *Instances when problems of participation could negatively impact the client's achievement of self-sufficiency.* There may be instances where staff determine that a participant's problems of participation are not described in 93.133(1) to 93.133(3), but may be circumstances which could negatively impact the participant's achievement of self-sufficiency. When this occurs, the case shall be referred to the administrator of the division of economic assistance for a determination as to whether the problems are acceptable instances for not participating or for refusing or quitting a job or for discharge from employment due to misconduct as described at rule 441—93.132(239B).

441—93.134(239B) Barriers to participation. Problems with participation of a permanent or long-term nature shall be considered barriers to participation and shall be identified in the FIA as issues to be resolved so that participation can result. These barriers may be identified during assessment and shall be part of the FIA from the beginning. When barriers are revealed by the applicant or participant during the FIA development or are identified by problems that develop after the FIA is signed, the FIA shall be renegotiated and amended to provide for removal of the barriers.

93.134(1) An FIA-responsible applicant who chooses not to cooperate in removing barriers to participation identified during FIA development shall be denied FIP.

93.134(2) An FIA-responsible participant who chooses not to cooperate in removing identified barriers to participation shall be considered to have chosen the limited benefit plan unless the person claims a physical or mental disability that is expected to last for more than 12 consecutive months. When such a person refuses to apply for social security benefits or supplemental security income, the FIP household is ineligible for FIP as described at 441—subrule 41.27(1) and the limited benefit plan does not apply.

93.134(3) Barriers to participation shall include, but not be limited to, the following:

a. Child or adult care is needed before a person can participate or take a job, and the care is not available. Participants are not required to do any activity unless suitable child or adult care has been arranged. In limited instances where special-needs care is not available, it may be most practical for the participant to develop the FIA to identify providing the child or adult care as the FIA option.

b. Lack of transportation.

c. Substance addiction.

d. Sexual or domestic abuse history.

e. Overwhelming family stress.

f. Physical or mental disability.

441—93.135(239B) Required client documentation. Documentation necessary to verify that the PROMISE JOBS participant is carrying out the terms of the FIA shall be provided by the participant.

93.135(1) *Written verification.* The client can be required to provide written verification of family emergency, lack of transportation, or job search activities. It is the responsibility of the client to notify program staff or work site supervisors as soon as possible that a lack of transportation or family emergency has occurred and the expected duration.

93.135(2) *Time and attendance.* The participant's hours of attendance in work and training activities shall be verified monthly.

a. When the participant is in the work experience (WEP) component, the hours of participation shall be verified monthly by the work site, within ten calendar days following the end of each month.

b. Rescinded IAB 3/3/93, effective 5/1/93.

c. When work and training services are provided by training institutions, organizations, agencies, or persons outside of the PROMISE JOBS program, unless some other method is agreed to by the provider and PROMISE JOBS staff, the participant's hours of attendance shall be verified on the PROMISE JOBS Time and Attendance Report, Form 470-2617, which shall be signed and dated by the training provider. When a training provider refuses or fails to verify the hours of attendance, a signed and dated statement from the participant on Form 470-2617 shall be accepted in lieu of a signed statement from the training provider. The form shall be returned by the training provider or client within ten calendar days following the end of each month. In those instances when a training provider refuses or fails to return a completed, signed and dated PROMISE JOBS Time and Attendance Report, Form 470-2617, and it is necessary to request that the form be completed by the participant instead, the participant shall be allowed five working days to provide the form, even if the fifth working day falls on or after the tenth calendar day following the end of the month.

d. In those instances where the participant is involved in an activity, other than job search, which is not directly monitored by the PROMISE JOBS worker or an outside training provider, the participant shall record the hours of participation on the PROMISE JOBS Time and Attendance Report, Form 470-2617, and shall sign and date the form. The PROMISE JOBS worker shall review the form. The participant's hours shall be accepted unless the PROMISE JOBS worker has justifiable cause to doubt the accuracy of the hours. If the PROMISE JOBS worker accepts the hours, the PROMISE JOBS worker shall also sign and date the form. The form shall be returned within ten calendar days following the end of each month. If the hours reported are questioned, the PROMISE JOBS worker shall meet with the participant to resolve the discrepancy. The participant shall provide further verification, if required.

e. When a participant involved in any PROMISE JOBS component fails to verify the participant's hours of attendance as described above, the participant shall enter the limited benefit plan. Policies at subrule 93.138(3) apply.

93.135(3) *Job search documentation.* Documentation of any job search activities which cannot be documented by the PROMISE JOBS worker shall be provided by the participant using Form 470-3099, Job Search Record. The Job Search Record shall include the name and address of the employer, the name and telephone number of the contact person, the date on which contact was made, and the outcome of the contact. It shall also contain authorization for PROMISE JOBS staff to telephone any listed employer to verify the contact.

The Job Search Record shall be provided within five working days after the last working day of any week during which the participant has made a job search. Participants who fail to provide all information described above on the Job Search Record or do not provide the documentation timely have chosen the limited benefit plan. Policies at rules 441—93.132(239B), 441—93.133(239B) and 441—93.134(239B), and at subrule 93.138(3) apply.

93.135(4) *Employment verification.* When the information is not available from any other source, participants shall verify scheduled and actual hours of employment at the time that employment begins and on a monthly basis thereafter. Participants may use employer statements or copies of pay stubs, or may sign Form 470-0429, Consent to Obtain and Release Information, so that the employer may provide information directly to the PROMISE JOBS worker.

Participants shall provide verification of scheduled and actual hours of employment within ten calendar days following the end of each month for ongoing employment.

441—93.136(249C) Duration of probationary periods. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.137(239B) Written notification.

93.137(1) Applicants. At the time of referral, applicants shall be notified verbally and hand-issued the notice of a scheduled appointment for orientation and FIA development. 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.

93.137(2) Participants. Participants shall be notified in writing of all scheduled meetings, component assignments, work site assignments, and participation issues as described at rule 441—93.132(239B). Written notice to the participant shall also be provided when a physical examination, doctor's statement, employment verification, or other verification is required.

a. Participants shall be allowed 45 calendar days from the date notice is mailed to provide a physical examination report.

b. Five working days shall be allowed from the date notice is mailed for a participant to appear for scheduled meetings unless the participant agrees to an appointment that is scheduled to take place in less than five working days.

c. Five working days shall be allowed from the date notice is mailed for a participant to appear for component or work site assignments, provide a doctor's statement, employment verification, or provide other verification.

d. Additional time shall be allowed when it is verified that a participant is making every effort but is unable to fulfill requirements within the established time frames.

441—93.138(239B) Resolution of disputes around the FIA and PROMISE JOBS participation.

93.138(1) Informal resolution process. When there is a disagreement between the participant and the immediate PROMISE JOBS worker regarding the participant's FIA or participation in PROMISE JOBS components, the participant can request to talk to the supervisor and request a decision on the dispute. The supervisor shall schedule a face-to-face interview with the participant within 7 days and issue a decision in writing within 14 days of the participant's request.

93.138(2) Resolution process for FIP participants who choose a first limited benefit plan. Before a notice of decision establishing a first limited benefit plan is issued, the case shall be reviewed in a procedure approved by the division of workforce development administration in the workforce development department. The procedure may include review by state-level division of workforce development administration staff or by a regional PROMISE JOBS manager, a PROMISE JOBS supervisor, an income maintenance supervisor, a person designated to coordinate services for FIP participants in the area, or a combination of any of the above. Approval of any review procedure at less than the state level for participants choosing a limited benefit plan by not carrying out the FIA responsibilities shall occur only after the service delivery region demonstrates satisfactory performance of the resolution process. The department of human services retains control and oversees review procedures through its contract with the workforce development department.

The notice of decision establishing a first limited benefit plan shall inform the FIP participant that the participant may reconsider at any time from the date timely and adequate notice is issued establishing the limited benefit plan. The notice of decision shall inform the participant that the participant shall contact the department or appropriate PROMISE JOBS office to reconsider the limited benefit plan.

a. For participants who choose a first limited benefit plan, the notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(1).

(1) When the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to begin or resume development of the FIA as described elsewhere in these rules.

(2) When the FIA is signed, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(1).

b. For participants who appear to be choosing a first limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall make every effort to negotiate for a solution at the time that the PROMISE JOBS worker determines that a reminder, request, or other written notification must be sent due to a potential participation issue as described at rule 441—93.132(239B). The written reminder, request, or other notification shall identify the participation issue, clarify expectations, attempt to identify barriers to participation which should be addressed in the FIA, explain the consequences of the LBP, and offer supervisory intervention. This subrule applies when a participant fails to respond to the PROMISE JOBS worker’s request to renegotiate the FIA when the participant has not attained self-sufficiency by the date established in the FIA. In this situation, an LBP shall be imposed regardless of whether the request to renegotiate is made prior to or after expiration of the FIA.

(1) Local PROMISE JOBS management shall have the option to involve an impartial third party to assist in a resolution process. Arrangements shall be indicated in the local services plan of the local service delivery region.

(2) If the above resolution actions do not lead to fulfillment of the FIA, the case shall be referred for review as previously stated in this rule.

(3) If the above steps do not lead to fulfillment of the FIA, the FIP participant is considered to have chosen the limited benefit plan and the notice of decision shall be initiated. The notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(1).

(4) When the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to sign a new or updated FIA as described elsewhere in these rules.

(5) When the FIA is signed and the participant has satisfactorily completed significant action, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(1).

c. Appeal rights under the limited benefit plan are described at rule 441—93.140(239B), and judicial review upon petition of the participant is always available.

93.138(3) *Resolution process for FIP participants who choose a subsequent limited benefit plan.* The notice of decision establishing a subsequent limited benefit plan shall inform the FIP participant of the six-month ineligibility period and that the participant may reconsider at any time following the six-month ineligibility period. To reconsider, the participant must complete significant contact with or action in regard to the PROMISE JOBS program as described at 441—subparagraph 41.24(8)“d”(3). When the six-month ineligibility period ends, and the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to sign a new or updated FIA and to begin significant action as described at 441—subparagraph 41.24(8)“d”(3). When the FIA is signed and the participant has satisfactorily completed the significant action, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(3).

a. For participants who choose a subsequent limited benefit plan as described at 441—subparagraph 41.24(8)“c”(1), the reminder letter shall include an explanation of the consequences of a subsequent limited benefit plan and offer supervisory intervention.

b. For participants who appear to be choosing a subsequent limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall make every effort to negotiate for a solution at the time that the PROMISE JOBS worker determines that a reminder, request, or other written notification must be sent due to a potential participation issue as described at rule 441—93.132(239B) and at subrule 93.114(14). The written reminder, request, or other notification shall identify the participation issue, clarify expectations, attempt to identify barriers to participation which should be addressed in the FIA, explain the consequences of the LBP, and offer supervisory intervention. This paragraph applies when a participant fails to respond to the PROMISE JOBS worker’s request to renegotiate the FIA when

the participant has not attained self-sufficiency by the date established in the FIA. An LBP shall be imposed regardless of whether the request to renegotiate is made prior to or after expiration of the FIA. Local PROMISE JOBS management shall have the option to involve an impartial third party to assist in a resolution process. Arrangements shall be indicated in the local service plan of the local service delivery region.

(1) and (2) Rescinded IAB 2/6/02, effective 4/1/02.

c. Before a notice of decision to establish a second limited benefit plan is issued, the case shall be reviewed under a procedure approved by the workforce development department.

(1) The procedure may include review by state-level division of workforce development center administration staff or by a regional PROMISE JOBS manager, a PROMISE JOBS supervisor, an income maintenance supervisor, a person designated to coordinate services for FIP participants in the area, or a combination of any of the above.

(2) Approval of any review procedure at less than the state level for participants choosing a subsequent limited benefit plan by not carrying out the FIP responsibilities shall occur only after the service delivery region demonstrates satisfactory performance of the resolution process.

(3) The department of human services retains control and oversees review procedures through its contract with the workforce development department.

d. If the above steps do not lead to fulfillment of the FIA, the FIP participant is considered to have chosen a subsequent limited benefit plan and the notice of decision establishing the limited benefit plan shall be initiated. The notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(3).

e. Appeal rights under the limited benefit plan are described at rule 441—93.140(239B), and judicial review upon petition of the participant is always available.

f. Rescinded IAB 4/3/02, effective 4/1/02.

93.138(4) *Check on the well-being of the children in subsequent LBP households.* Rescinded IAB 4/3/02, effective 4/1/02.

441—93.139(239B) Notice of decision. PROMISE JOBS will send written notice to each client in accordance with 441—Chapter 7 when:

1. Services are approved, rejected, renewed, changed, canceled, or terminated for failure to cooperate or participate. PROMISE JOBS services are considered to be approved at that point when the client is assigned to begin participation in a component as written in the FIA.

2. An expense allowance is offset or the offset amount is changed due to action to recover an overpayment.

441—93.140(239B) Right of appeal. Each applicant and recipient is entitled to appeal and be granted a hearing over disputes regarding services being received or services which have been requested and denied, reduced, canceled, or inadequately provided, and acts of discrimination on the basis of race, sex, national origin, religion, age or handicapping condition according to 441—Chapter 7.

93.140(1) *Right to appeal alleged violation of PROMISE JOBS program policy.* Participants shall have the right to file a written appeal concerning any alleged violation of PROMISE JOBS program policy as set forth in these administrative rules which is imposed as a condition of participation. The responsible agency shall provide the participant with written documentation which specifies the participation requirement in dispute.

93.140(2) *Appeal rights under the limited benefit plan.* A participant only has the right to appeal the establishment of the limited benefit plan once at the time the department issues the timely and adequate notice that establishes the limited benefit plan.

However, when the reason for the appeal is based on incorrect grant computation, an error in determining the eligible group, or another worker error, a hearing shall be granted when the appeal otherwise meets the criteria for hearing.

93.140(3) *Right to request a hearing.* A participant who is enrolled in the PROMISE JOBS program may request a hearing if dissatisfied with working conditions, the availability of workers' compensation

coverage or the wage rate used in determining hours of community work experience program participation. When any involved party is dissatisfied with the decision on the appeal, the dissatisfied party shall be informed of the right and, if so desired, assisted with appealing the issue to the Secretary of Labor, at Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036, within 20 days of receipt of the department's final decision. For the purposes of this rule, the department's final decision shall be considered received the second day after the date that the written decision was mailed, unless the intended recipient can demonstrate that it was not received on the second day after the mailing date. When the second day falls on a Sunday or legal holiday, the time shall be extended to the next mail delivery day. The option to appeal to the Secretary of Labor does not preclude an individual from exercising any right to judicial review provided in Iowa Code chapter 17A or as described in 441—Chapter 7.

93.140(4) *Right to appeal the content of the family investment agreement.* A participant shall have the right to appeal the content of the FIA when the informal resolution process described at 93.138(1) does not resolve a disagreement between the participant and the PROMISE JOBS worker and the participant wishes to continue in the FIA process.

441—93.141(249C) Participant recycling, deactivation, and waiving participation. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.142(249C) Eligibility-termination. Rescinded IAB 12/8/93, effective 1/1/94.

441—93.143(239B) Confidentiality. The departments of education, workforce development, economic development, and human rights, local education agencies, and all subcontractor provider agencies shall safeguard client information in conformance with Iowa Code section 217.30.

The department and PROMISE JOBS provider agencies may disclose client information to other state agencies, or to any other entity or person who is not subject to the Iowa Administrative Procedure Act, when that agency or other entity or person must have that information in order to provide services to PROMISE JOBS participants which have been determined to be necessary for successful participation in PROMISE JOBS.

441—93.144(239B) PROMISE JOBS grievance procedure. The PROMISE JOBS program shall provide a grievance procedure to address and resolve public complaints regarding the displacement of regular workers with program participants.

93.144(1) The procedure will provide that:

a. Complaints must be filed in writing and received by the PROMISE JOBS contractee within one year of the alleged violation.

b. A representative of the PROMISE JOBS contractee must schedule a face-to-face interview with the complainant within seven days of the date the complaint is filed, to provide the opportunity for informal resolution of the complaint.

c. Written notice of the location, date and time of the face-to-face interview must be provided.

d. An opportunity must be provided to present evidence at the face-to-face interview.

e. The representative of the PROMISE JOBS contractee shall issue a decision in writing within 14 days of the date a complaint is filed.

f. A written explanation must be provided to all involved parties of the right to file a written appeal, according to 441—Chapter 7, if the opportunity for informal resolution is declined, if a party receives an adverse decision from the PROMISE JOBS contractee, or if there is no decision within the 14-day period.

(1) To be considered, an appeal must be filed with the department within ten days of the mailing date of the adverse decision or ten days from the date on which a decision should have been mailed.

(2) An appeal hearing will not be granted until informal resolution procedures have been exhausted, unless a decision has not been issued within 24 days of the complaint filing date.

93.144(2) The department shall issue a final decision within 90 days of the date the complaint was filed with the PROMISE JOBS contractee.

93.144(3) Any dissatisfied party shall be informed of the right to appeal the decision of the department to the Secretary of Labor at Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036, within 20 days of the receipt of the department's final decision. For the purposes of this rule, the department's final decision shall be considered received the second day after the date that the written decision was mailed, unless the intended recipient can demonstrate that it was not received on the second day after the mailing date. When the second day falls on a Sunday or legal holiday, the time shall be extended to the next mail delivery date. The option to appeal to the Secretary of Labor does not preclude an individual from exercising any right to judicial review as provided in Iowa Code chapter 17A or as described in 441—Chapter 7.

93.144(4) Upon notice of a complaint or grievance, the PROMISE JOBS office must provide the complaining party with a copy of the grievance procedures, notification of the right to file a formal complaint and instruction on how to file a complaint.

93.144(5) Upon filing a complaint, and at each stage thereafter, each complainant must be notified in writing of the next step in the complaint procedure.

93.144(6) The identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation must be kept confidential to the extent possible, consistent with due process and a fair determination of the issues.

93.144(7) All employers who participate in the PROMISE JOBS program shall provide assurances that all regular employees are aware of this grievance procedure.

441—93.145(239B) Workers' compensation for PROMISE JOBS work experience participants. The department shall provide workers' compensation coverage for all PROMISE JOBS work experience participants.

441—93.146(239B) Safety rules from PROMISE JOBS work sponsors. Each work experience program sponsor shall provide to the PROMISE JOBS contractee a copy of the safety rules in effect in that entity before participants are referred for work site placement.

441—93.147(249C) Required notices to the department. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.148(239B) Records maintenance. All agencies who contract with the department to provide PROMISE JOBS services shall maintain all records related to the program for three years.

93.148(1) Agencies shall allow federal or state officials access to all records upon request.

93.148(2) Rescinded IAB 3/3/93, effective 5/1/93.

441—93.149(249C) Responsibilities of any organization with a UP-CWEP work site other than the provider agency. Rescinded IAB 3/3/93, effective 5/1/93.

441—93.150(239B) Financial. The provider agency shall receive financial reimbursement as specified in contracts negotiated with each agency. Contracts shall also specify in detail the expenses which are not eligible for reimbursement.

441—93.151(239B) Recovery of PROMISE JOBS expense allowances. When an applicant, a participant, or a provider receives an expense allowance for transportation or other supportive expenses which is greater than allowed under these rules or receives a duplicate payment of an expense allowance, an overpayment is considered to have occurred and recovery is required. There are two categories of PROMISE JOBS expense allowances subject to recovery: (1) transportation and (2) other supportive expense allowances.

The PROMISE JOBS worker shall notify the department of inspections and appeals (DIA) to record the overpayment in the Overpayment Recovery System. The outstanding balance of any overpayments which occurred before July 1, 1990, shall be treated in the same manner.

A PROMISE JOBS overpayment shall be recovered through repayment in part or in full or through offsetting against future payments in the same category. Underpayments and overpayments may be offset against each other in correcting incorrect payments in the same category. Repayments received by the PROMISE JOBS unit and information about recoveries made through offsetting shall be transmitted to the Department of Human Services, Cashier's Office, Room 14, 1305 E. Walnut Street, Des Moines, Iowa 50319-0144.

Overpayments of PROMISE JOBS child care issued for months prior to July 1999 shall be subject to recovery rules of the PROMISE JOBS program. Overpayments of child care assistance issued for July 1999 and any month thereafter are subject to recovery rules of the child care assistance program set forth in rule 441—170.9(234).

93.151(1) The department of inspections and appeals shall notify the client or the provider when it is determined that an overpayment exists, as described at 441—subrule 7.5(6). Notification shall include the amount, date, and reason for the overpayment. Upon the client's request, the local office shall provide additional information regarding the computation of the overpayment. The client may appeal the computation of the overpayment and any action to recover the overpayment through benefit reduction in accordance with 441—subrule 7.5(6). If a client or provider files an appeal request, the PROMISE JOBS unit shall notify DIA within three working days of receipt of the appeal request.

a. Actual offsetting in the PROMISE JOBS office cannot begin until after the end of the 30-day appeal period which begins with the day following issuance of the Notice of Overpayment—PROMISE JOBS Expense Allowances. If a client or a provider files an appeal request during the 30-day appeal period, the PROMISE JOBS unit shall not initiate offsetting until the appeal is resolved by withdrawal or a final appeal decision which permits offsetting as a method of overpayment recovery.

b. When a client or a provider offers repayment in part or in full before the end of the 30-day appeal period, the PROMISE JOBS unit or the department of human services local office shall accept the payment. If a subsequent appeal request is received, the PROMISE JOBS unit shall notify DIA and shall not accept any further payments on the claim. The amount of the voluntary payment shall not be returned to the client or provider unless the final decision on the appeal directs the department to do so.

93.151(2) When offsetting is to be used to recover the overpayment, the PROMISE JOBS worker shall issue a Notice of Decision-Services, Form SS-1104-0, after the end of the 30-day appeal period, informing the client or the provider of the amount to be offset. In those instances where the amount to be offset changes, a new Notice of Decision-Services shall be issued. The notice must be timely and the client or provider has the right to appeal the notice which initiates offsetting and any subsequent notice which changes the amount to be offset.

93.151(3) When a participant receives an overpayment and is unable or unwilling to make a refund, the PROMISE JOBS worker shall recover the overpayment by offsetting it against future months' expenses in the same category.

a. Rescinded IAB 6/30/99, effective 7/1/99.

b. In those instances when the PROMISE JOBS worker is offsetting to recover support services, sufficient current expenses shall be paid to enable continued participation in the activity.

c. When it becomes impossible to recover through offsetting, either because the participant is no longer participating in PROMISE JOBS or because any potential offsetting would jeopardize the participant's progress toward the employment goal, the PROMISE JOBS worker shall notify DIA so that recovery procedures can be initiated.

93.151(4) When a support services provider receives an overpayment on behalf of a PROMISE JOBS participant and is unable or unwilling to make a refund, the PROMISE JOBS worker may recover the overpayment by offsetting it against future months' expenses for the same client.

a. The period of time available to complete the offsetting will be limited according to the amount of the overpayment. For amounts up to \$500, three months is the maximum period; for amounts over \$500

and up to \$1,000, six months is the maximum period. Offsetting shall not be initiated for overpayments which do not meet these limits.

b. When it becomes impossible to recover through offsetting, because the client is no longer participating in PROMISE JOBS, or because the overpayment amount exceeds the limits described in paragraph “*a*” above or because the provider will deny service to the client if offsetting is initiated, the PROMISE JOBS worker shall notify the DIA so that repayment procedures can be initiated.

c. If the provider does not agree that an overpayment has occurred or will deny service to the client if offsetting is initiated, the PROMISE JOBS worker shall not initiate offsetting. The worker shall explain that DIA will contact the provider regarding recovery procedures and shall explain appeal rights as found in 441—Chapter 7.

93.151(5) When a client or a provider has been referred to DIA to initiate recovery, DIA shall use the same methods of recovery as are used for the FIP program, described at DIA rules 481—71.1(10A) to 71.9(10A), except that the FIP grant shall not be reduced to effect recovery without the client’s written permission.

a. When the client requests grant reduction on Form 470-0495, Repayment Contract, grant reduction will be made as described in 441—subrule 46.25(3), paragraphs “*a*,” “*b*,” and “*c*,” based on definitions of client error and agency error in rule 441—46.21(239B).

b. With regard to provider overpayments, DIA is authorized to take any reasonable action to effect recovery such as, but not limited to: informal agreements, civil action, or criminal prosecution. However, DIA shall not take any action which would jeopardize the participant’s continued participation in the PROMISE JOBS program.

441—93.152(239B) Disadvantaging the family by a change in child care method. Rescinded IAB 6/30/99, effective 7/1/99.

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