

**441—65.28 (234) Work requirements.**

**65.28(1) *Persons required to register.*** Each household member who is not exempt by subrule 65.28(2) shall be registered for employment at the time of application, and once every 12 months after initial registration, as a condition of eligibility. Registration is accomplished when the applicant signs an application form that contains a statement that all members in the household who are required to register for work are willing to register for work. This signature registers all members of that food assistance household that are required to register.

**65.28(2) *Exemptions from work registration.*** The following persons are exempt from the work registration requirement:

*a.* A person younger than 16 years of age or a person 60 years of age or older. A person aged 16 or 17 who is not a head of a household or who is attending school, or is enrolled in an employment training program on at least a half-time basis is exempt.

*b.* A person physically or mentally unfit for employment.

*c.* A household member subject to and complying with any work requirement under Title IV of the Social Security Act including mandatory PROMISE JOBS referral.

*d.* A parent or other household member who is responsible for the care of a dependent child under age six or an incapacitated person.

*e.* A person receiving unemployment compensation.

*f.* A regular participant in a drug addiction or alcohol treatment and rehabilitation program which is certified by the Iowa department of public health, division of substance abuse.

*g.* A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

*h.* A student enrolled at least half-time in any recognized school, recognized training program, or an institution of higher education (provided that students have met the requirements of federal regulation, Title 7, Part 273.5, as amended to December 31, 1986).

**65.28(3) *Losing exempt status.*** Persons who lose exempt status due to any change in circumstances that is subject to the reporting requirements shall register for employment when the change is reported. Persons who lose exempt status due to a change in circumstances that is not subject to the reporting requirements for that household shall register for employment no later than at the household's next recertification.

**65.28(4) *Registration process.*** Upon reaching a determination that an applicant or a member of the applicant's household is required to register, the pertinent work requirements, the rights and responsibilities of work-registered household members, and the consequences of failure to comply shall be explained to the applicant. A written statement of the above shall be provided to each registrant in the household. The written statement shall also be provided at recertification and when a previously exempt member or a new household member becomes subject to work registration.

Registration for all nonexempt household members required to work register is accomplished when the applicant or recipient signs an application, recertification, or reporting form containing an affirmative response to the question, "Do all members who are required to work register and participate in job search agree to do so?" or similarly worded statement.

**65.28(5) *Deregistration.*** Work registrants who obtain employment or otherwise become exempt from the work requirement subsequent to registration or who are no longer certified for participation are no longer considered registered.

**65.28(6) *Work registrant requirements.*** Work registrants shall:

*a.* Participate in an assigned employment and training program.

*b.* Respond to a request from the department or its designee for supplemental information regarding employment status or availability for work.

*c.* Report to an employer to whom referred by the department or its designee if the potential employment meets the suitability requirements described in subrule 65.28(15).

*d.* Accept a bona fide offer of suitable employment at a wage not less than the federal minimum wage.

**65.28(7) *Employment and training programs.*** Persons required to register for work and not exempted by subrule 65.28(9) from placement in a component shall be subject to employment and training requirements. If all nonexempt mandatory registrants cannot be served because minimum federal participation standards have been met, registrants will be randomly selected for referral up to the minimum standard. Requirements may vary among participants.

The department or its designee shall serve as the provider of employment and training services for nonexempt registrants.

The department or its designee can require participants to engage in vocational testing activities when deemed necessary.

Participants shall report for all scheduled employment interviews and accept bona fide offers of suitable employment as defined in subrule 65.28(15).

Participants who, for any reason, are absent from any scheduled employment and training appointment shall be required to reschedule a like appointment. Absence includes missing more than 30 minutes of a scheduled appointment.

**65.28(8) *Employment and training components.*** Employment and training components include individual job search, job club, educational services (GED/ABE/ESL), and Workforce Investment Act of 1998 (WIA) activities. The department shall offer employment and training components in counties having a monthly average of 500 or more mandatory work registrants. The department shall offer components in additional counties subject to the availability of sufficient state and federal funding to cover program costs. Availability of components may vary among the areas where employment and training is offered.

*a. Job club.* The employment and training job club shall be modeled after the family investment program's PROMISE JOBS job club. Employment and training service provider staff may require a participant who, for any reason, is absent during the classroom portion of job club to repeat the entire period of classroom training. Additional allowances as provided for by subrule 65.28(11) shall not be paid to these individuals.

Each job club participant shall be required to read and sign Form 62-2053, Your Rights and Responsibilities, acknowledging that a complete explanation of the program and what constitutes noncompliance and the sanctions for noncompliance has been provided.

*b. Educational services (GED/ABE/ESL).* Persons referred to the job club component may elect to be referred to the educational services program. Educational services offered include General Educational Development (GED), Adult Basic Education (ABE), or English as a Second Language (ESL).

(1) The employment and training service provider shall individually assess persons requesting referral to this program. If it is determined that obtaining educational services would directly enhance the person's likelihood of obtaining employment, the employment and training service provider shall refer the person to this program subject to available funds.

(2) Participation in the educational services program for eight consecutive weeks is equivalent to participation in two four-week employment and training components.

(3) The employment and training service provider shall assign to the job club component persons who fail to begin or to continue the educational program during the two four-week components.

*c. Workforce Investment Act of 1998 (WIA).* Persons electing to participate in and selected for participation in WIA are participating in an employment and training component.

*d. Individual job search (IJS).* Participants in IJS shall receive information about the program. At a minimum, the orientation shall include an explanation of services provided, of participation requirements, and of each participant's rights and responsibilities. Employment services staff shall require each participant to read and sign Form 62-2053, Your Rights and Responsibilities, at the conclusion of the presentation, acknowledging that a complete explanation of the program and what constitutes noncompliance and the sanctions for noncompliance has been provided.

Employment services staff shall give each participant a job search assignment. Employment services staff shall require the participant to contact up to 24 employers, face-to-face, for the purpose of submitting employment applications and arranging for employment interviews. To qualify as a job contact, the participants must present themselves to prospective employers as available for work.

The prospective employer must ordinarily employ persons in areas of work for which the applicant is reasonably qualified based on the participant's skills, prior work experience and level of education. The participant may not contact the same employer more than once during the component unless the initial contact indicated that vacancies in suitable positions might soon exist. Employment services staff shall require each participant to submit written documentation of employer contacts made using Form 60-0259, Job Service Work Search Record. The participant shall provide documentation in person to employment services staff at a scheduled meeting at the conclusion of the four-week participation period. At the beginning of the period, employment services staff shall give each participant written notice of the time, date, and location of this meeting.

**65.28(9) Exemptions from employment and training programs.** The department may exempt certain individuals and categories of individuals from employment and training participation. Exempt status of individuals shall be reviewed at recertification to determine if the exemption is still valid. Exempt classifications include:

- a. Pregnant women in the second or third trimester of pregnancy. Department staff are authorized to require medical documentation.
- b. Strikers and persons who are unemployed because of lockout.
- c. Persons who are laid off or temporarily unemployed and expect to be recalled within the next 90 days (job attached).
- d. Rescinded IAB 12/13/89, effective 2/1/90.
- e. Persons with no mailing address available other than general delivery.
- f. Victims of spouse abuse receiving employment-related services from a shelter for battered women or other spousal abuse organization.
- g. Persons who have accepted a job that will exempt them and that will begin within 60 days. The person shall provide verification that a legitimate job offer and acceptance has been made.
- h. Rescinded IAB 3/6/02, effective 5/1/02.
- i. Rescinded IAB 12/13/89, effective 2/1/90.
- j. Mandatory work registrants who are employed 60 or more hours per month.
- k. Persons whose daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility, or the distance to the component site prohibits walking and neither public nor private transportation is available to transport the person.
- l. Persons who are assigned to a job or training component, but who do not commence the component and are determined to have good cause as defined in subrule 65.28(17), may be considered exempted if the reason for good cause will last for 60 days or longer. When the reason for the exemption is no longer applicable, the person may be placed in a component.

**65.28(10) Time spent in an employment and training program.** A participant may be placed in two different components from October 1 through September 30.

The total hours of participation for any household member individually in any month together with any hours worked for compensation (in cash or in kind) shall not exceed 120.

**65.28(11) Participation allowance and dependent care reimbursements.**

- a. The department shall provide participants in employment and training programs an allowance for costs of transportation or other costs (other than dependent care costs) reasonably necessary and directly related to participation in the components of a minimum of \$25 to a maximum of \$50 for each four-week component in which the participant is placed. The amount of the allowance is dependent on sufficient state and federal funding to cover the costs.

EXCEPTION: Participation in WIA (65.28(8), paragraph "c") does not entitle the person to a participation allowance. The department shall authorize the employment and training service provider to provide the allowance on the first day of each component in which the person participates. The

department shall authorize the employment and training service provider to provide the allowance only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph “b”) is considered participation in two consecutive four-week components.

b. The department shall authorize the employment and training service provider to reimburse the provider of care directly for the actual costs of dependent care expenses that the employment and training service provider determines to be necessary for the participation of a person in the components. Reimbursement shall not exceed \$200 for each child under two years of age and \$175 for each other dependent per four-week component. The employment and training service provider shall only reimburse a person not included in the food assistance household. The employment and training service provider shall only reimburse participants in the IJS component during the regular school term to the extent that the contacts required in this component cannot be made while dependent children who attend school are in school. The employment and training service provider shall defer a person from participation in a component if the dependent care expenses exceed the dependent care reimbursement. Deferment shall continue until a suitable component is available or circumstances change and monthly dependent care expenses no longer exceed the reimbursement amount. Reimbursement is dependent on sufficient state and federal funding to cover the costs.

EXCEPTION: The caretaker relative of a dependent in a family receiving FIP is not eligible for the dependent care reimbursement. Participation in WIA (65.28(8), paragraph “c”) does not entitle the person to a dependent care reimbursement. The department shall authorize the employment and training service provider to provide the reimbursement after the last day of each component in which the person participates upon presentation of proof of the expense incurred and hours of care for each dependent. The department shall authorize the employment and training service provider to provide reimbursement only once per component in each federal fiscal year. Participation in educational services (65.28(8), paragraph “b”) is considered participation in two consecutive four-week components.

**65.28(12) Failure to comply.** This subrule does not apply to persons electing to participate in the employment and training components of educational services and WIA (see paragraphs 65.28(8) “b” and “c”).

a. When a person has refused or failed without good cause to comply with the work registration or employment and training requirements in this rule, that person shall be ineligible to participate in the food assistance program as follows:

(1) First violation: The later of (1) the date the individual complies with the requirement; or (2) two months.

(2) Second violation: The later of (1) the date the individual complies with the requirement; or (2) three months.

(3) Third and subsequent violations: The later of (1) the date the individual complies with the requirement; or (2) six months.

b. The disqualification period shall begin with the first month following the expiration of the adverse notice period, unless a fair hearing is requested.

c. Participants shall be notified of probation status in writing. Probation shall last for the duration of the component. In addition to other work requirements in this chapter, employment and training participants are subject to the following specific requirements:

(1) Participants who are absent without good cause shall be placed on probation. A second absence without good cause shall result in disqualification.

(2) Participants who are absent without good cause at the time they are scheduled to present their job search documentation shall be disqualified.

(3) Participants who fail to make the required number of employer contacts without good cause shall be disqualified. Participants who fail to complete the required number of job contacts with good cause shall be excused from completion of the job search requirements for that component.

(4) Participants who exhibit disruptive behavior shall be placed on probation; a second offense shall result in disqualification. Disruptive behavior means the participant hinders the performance of other participants or staff, refuses to follow instructions, or uses abusive language.

(5) Participants will be allowed an additional two weeks to make up employer contacts which have been disallowed by employment services. Qualifying job contacts are defined in paragraph 65.28(8) "e." Failure to make up employer contacts will result in disqualification. Employment services will disallow employer contacts when it has been determined that the participant failed to make a face-to-face contact or the requirements of the job applied for far exceed the applicant's level of experience, education, or abilities.

(6) Participants who make physical threats to other participants or staff shall be disqualified.

**65.28(13) *Noncompliance with comparable requirements.*** The department shall treat failure to comply with an unemployment compensation requirement that is comparable to a food assistance work registration or employment and training requirement as a failure to comply with the corresponding food assistance requirement. Disqualification procedures in subrule 65.28(12) shall be followed.

**65.28(14) *Ending disqualification.*** Following the end of the disqualification periods for noncompliance and as provided in rules 441—65.27(234) and 441—65.28(234), participation may resume.

*a.* An applicant disqualified under subrule 65.27(1) may be approved for benefits after serving the minimum disqualification period and complying with the work requirement, as follows:

(1) If the applicant voluntarily quit a job, the applicant must obtain a job comparable to the one that the applicant quit.

(2) If the applicant voluntarily reduced hours of employment to less than 30 hours per week, the applicant must start working 30 or more hours per week.

*b.* A disqualified individual who is a member of a currently participating eligible household shall be added to the household after the minimum disqualification period has been served and the person has complied with the failed requirement as follows:

(1) If the member failed or refused to register for work with the department, the member complies by registering.

(2) If the member failed or refused to respond to a request from the department or its designee requiring supplemental information regarding employment status or availability for work, the member must comply with the request.

(3) If the member failed or refused to report to an employer to whom referred, the member must report to that employer if work is still available or report to another employer to whom referred.

(4) If the member failed or refused to accept a bona fide offer of suitable employment to which referred, the member must accept the employment if still available to the participant, or secure other employment which yields earnings per week equivalent to the refused job, or secure any other employment of at least 30 hours per week or secure employment of less than 30 hours per week but with weekly earnings equal to the federal minimum wage multiplied by 30 hours.

(5) If the member failed or refused to attend a scheduled employment and training interview, the member must arrange and attend a scheduled interview.

(6) If the member failed or refused to participate in instruction, training or testing activities, the member must participate in the activities.

(7) If the member failed or refused to complete assigned job search requirements, the member must complete the job search requirements.

(8) Rescinded IAB 2/9/00, effective 4/1/00.

(9) If the member voluntarily quit a job, the individual must obtain a job comparable to the one quit.

(10) If the member voluntarily reduced hours of employment to less than 30 hours per week, the individual must start working 30 or more hours per week.

c. An individual may reestablish eligibility during a disqualification period by becoming exempt from the work requirement as provided in subrule 65.28(2).

**65.28(15) Suitable employment.** Employment shall be considered unsuitable if:

a. The wage offered is less than the highest of the applicable federal minimum wage, the applicable state minimum wage, or 80 percent of the federal minimum wage if neither the federal nor state minimum wage is applicable.

b. The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified in paragraph “a” above.

c. The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining a legitimate labor organization.

d. The work offered is at a site subject to a strike or lockout at the time of the offer 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).

e. The household member involved can demonstrate or the department otherwise becomes aware that:

(1) The degree of risk to health and safety is unreasonable.

(2) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.

(3) The employment offered within the first 30 days of registration is not in the member’s major field of experience.

(4) The distance from the member’s home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Employment shall also not be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.

(5) The working hours or nature of the employment interferes with the member’s religious observances, convictions, or beliefs.

**65.28(16) Applicants for supplemental security income (SSI) and food assistance.** Household members who are jointly applying for SSI and for food assistance shall have the requirements for work registration waived until:

a. They are determined eligible for SSI and thereby become exempt from work registration, or

b. They are determined ineligible for SSI whereupon a determination of work registration status will be made.

**65.28(17) Determining good cause.** The department or its designee shall determine whether good cause exists for failure to comply with the work registration, employment and training, and voluntary quit requirements in 441—Chapter 65. In determining whether good cause exists, the facts and circumstances shall be considered, including information submitted by the household member involved and the employer.

Good cause shall include circumstances beyond the member’s control, such as, but not limited to, illness of the registrant or of another household member requiring the presence of the registrant, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age 6 but are under age 12.

**65.28(18) Measuring the three-year period for able-bodied nonexempt adults without dependents.** The three-year period as provided for in federal regulations at 7 CFR 273.24 as amended to June 19, 2002, starts on December 1, 2002, and ends November 30, 2005. Subsequent three-year periods start with the month of December following the end of the previous period.

**65.28(19)** *Mini-simplified food assistance program.*

*a. Scope.* The department operates a mini-simplified food assistance program for households that:

- (1) Also receive benefits under the family investment program; and
- (2) Include a parent who is exempt from food assistance requirements for work registration due to caring for a child under the age of six.

*b. Effect.* The mini-simplified food assistance program allows replacement of certain food assistance program work rules with work rules of the Temporary Assistance to Needy Families program. The value of the household's monthly food assistance benefits shall be combined with the household's monthly family investment program benefit amount to determine the maximum number of hours the department can require a household member under the family investment program to participate in an unpaid work activity that is subject to the federal Fair Labor Standards Act. Maximum required hours of participation for a month are determined by dividing the total amount of benefits by the state or federal minimum wage, whichever wage is higher.

[ARC 8500B, IAB 2/10/10, effective 3/1/10]