

## **118 – WORK REQUIREMENTS AND SERVICES**

### **I. INTRODUCTION**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and The Deficit Reduction Act of 2005 (DRA) are the federal laws that govern the Temporary Assistance for Needy Families (TANF) program, known as Work First in North Carolina.

The DRA maintained the PRWORA requirement for a separate two-parent work participation rate at 90% and an all-families work participation rate at 50%. The inability to meet these performance measures has the potential to result in financial penalties.

County social services/ human services agencies provide Work First eligible families with a range of employment services. Employment services must be individualized to the needs of each family. Each family develops their own plan in collaboration with the case manager. Staff designated to provide employment services must work with the family to develop an Outcome Plan. Both parties must sign the Mutual Responsibility Agreement Plan of Action (DSS- 6939B) which outlines the employment activities and supportive services.

All work eligible families should be advised of the supportive services described in Work First Manual Section 117 that are available during participation in work or educational activities.

Employment Services case managers must conduct a thorough assessment to develop the best package of activities and supportive services. Plans must include realistic and obtainable goals and activities that will enable the family to participate in federal countable work activities and become economically self-sufficient within a reasonable period.

Employment services case managers should encourage work eligible persons to consider post-secondary education and/or training programs that increase earning potential and career advancement. This requires the development of strong partnerships with agencies such as NC Works, community colleges and other institutions of higher education and the business sector. Transitioning from public assistance and other government subsidized programs should be the first step toward the family's goals.

Through these efforts the county social services/human services agencies and local service providers must work with families to improve work participation, while serving the needs of families.

### **II. WORK FIRST PROGRAM PERFORMANCE MEASURES**

The state's Work Participation Rates (WPR) participation rates is one of the ways the TANF programs are evaluated.

There are two federal participation rates states are required to meet Two Parent and All Family.

The rates for individual counties are calculated monthly using data acquired from NC FAST Outcome Plans.

There are different requirements for the Two Parent and All Family Work Participation Rates.

- a. Two-Parent WPR - States are required to achieve a 90 percent Two-Parent participation rate. For a case to be included in the two-parent participation rate, both parents included in the case must be Work Eligible. (See [Work First Manual Section 103](#)) To count in the participation rate, a two-parent case must complete an average of at least 35 hours per week in federally countable work activities. If the two-parent case is receiving federally funded childcare, they must complete an average of 55 hours per week in federally countable work activities.
  
- b. All-Family WPR - States are required to achieve a 50 percent all-family participation rate. The all-family participation rate includes both two-parent and single-parent families. To count in the participation rate, a Work Eligible participant must complete an average of at least 30 hours per week in federally countable work activities.

**EXCEPTION:** Single parents of children under 6 years of age count in the participation rate if they complete an average of at least 20 hours per week of federally countable work activities.

The county WPR goals are the same as those for North Carolina and are the two goals by which county agencies are measured. Counties must ensure that at least 50% of all families (minus Child Only and single parents with child under 12 months- based on county criteria) and 90% of all two parent families, complete the required number of hours in countable federal work activities.

### **III. WORK REGISTRATION REQUIREMENTS**

The Division of Workforce Solutions/NC Works is the presumptive primary deliverer of job placement services for the Work First Program and a critical partner with the Department of Health and Human Services. Counties may contract with the local NC Works program for additional employment related services.

Registration for work with NC Works is a prerequisite to participation in the Job Search component of Work First Employment Services. All work eligible participants who are assessed as ready to engage in job search are required to register for work with NC Works. Include the requirement on the individual's Mutual Responsibility Agreement - Plan of Action (MRA-B).

Failure to register for work with NC Works as part of the Job Search component is considered non-compliance and will result in the family not receiving their Work First cash assistance payment.

Reasonable accommodations may be necessary to assist individuals with disabilities with the NC Works registration process and access to Work First employment services.

The participant may register at [NC Works Online](#) or if sufficient resources are available locally, the participant may opt to register on site at the local NC Works Career Center. The participant can create a user account to establish an individual profile. In a two-parent family, each parent assessed as ready to engage in job search must complete the NC Works registration process.

If the participant completed the NC Works registration prior to beginning the job search activity, the case manager may omit this requirement from the Outcome Plan. This must be documented in the case narrative.

It is the responsibility of the participant to provide verification of their NC Works registration status. The participant may provide the case manager a copy of "My Dashboard" from NC Works or log into NC Works while in the presence of the case manager.

#### **IV. WORK-ELIGIBLE INDIVIDUALS**

Most adults included in the Work First assistance unit are work eligible. Work eligible individuals are **mandatory** for Employment Services and are included in the Work Participation Rate. [Work First Manual Section 103](#) lists the individuals who are exempt from the work requirements.

All adult recipients are subject to a federal 60-month lifetime limit on the receipt of cash assistance under Temporary Assistance for Needy Families (TANF). Any required adult living in the home that has exhausted the state 24, state 60 or federal 60-month time limit makes the family ineligible, unless they qualify for an extension or hardship exemption. Refer to [Work First Manual Section 105](#) for additional information regarding time limits.

##### **A. The State 24-month Time Limit**

When counties begin working with participants in Employment Services, the Work First cash assistance case becomes subject to a State 24-month time limit on cash assistance. Employment Services' activities for Work Eligible individuals, therefore, are geared toward completion within 24 months, though this is not always possible. It is important for both the case manager and participant to recognize life-long learning and the acquisition of educational skills are an important long-term goal.

Participation in post-secondary education should prepare an individual for employment currently available or likely to become available upon completion of the education. Participants can have their state 24-month time limit waived for up to 36 months when they are enrolled in post-secondary education, and they maintain at least a 2.5 grade point average or its equivalent. The months are only removed from the state 24-month clock **after** the case manager determines the participant met the waiver criteria.

The employment services worker schedules the participant's work activities and records their participation in these activities in NC FAST. See the

**B. Individuals with Disabilities**

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against any individual with a disability that places substantial limitations on major life activities. Everyone with a disability must be afforded the opportunity to participate in or benefit from services in the Work First Program. Therefore, these individuals are considered work eligible and must have an Outcome Plan developed. Agencies must take steps to ensure that individuals with disabilities can participate in all programs and services and are not limited to those designed solely for individuals with disabilities.

When a participant reports a disability, the Work First case manager must request medical documentation to support the disability claim. The worker must provide the participant with the [Report of Medical Examination \(DSS-8655\)](#) and a deadline date for the return of the completed form. If the documentation is questionable, the case manager must contact the medical provider. The worker must obtain a signed [Consent for Release of Information \(DSS-6969\)](#) from the participant prior to contacting the medical provider for further discussion.

If the participant is the primary beneficiary of Social Security Disability (SSDI) or Veteran's Affairs (VA) disability benefits, the Awards Letter is allowable documentation of the disability.

While awaiting the return of the DSS-8655 or the resolution of outstanding questions, the case manager should continue to work with the participant. The case manager and participant will identify work activities based on the participant's statement of their work capacity. These activities must be incorporated into their preliminary Outcome Plan and appear on their signed MRA-B, along with any reasonable accommodations needed to support the individual in job placement, education, skills training, employment, or other activities.

Upon verification of capacity/disability, the case manager and participant will revise the Outcome Plan to reflect the verified information. The medical provider may limit the participant's work activities to less than the required weekly participation. If this happens, the Outcome Plan and the MRA-B must reflect

activities within the capabilities of the participant, along with any reasonable accommodations. The worker and the participant will sign the revised/new MRA-B. The case manager must follow up (no less frequently than every 12 weeks) with the participant and, if needed, the medical provider to ensure the participant's success in increasing participation to meet program requirements over time. Home visits are encouraged for cases with disabled or incapacitated participants.

The jointly developed Outcome Plan must incorporate activities and accommodations which support the family's ability to obtain self-sufficiency within the State 24-month time limit. However, there may be instances where the worker may have to adjust the State 24-month clock for specific months in which the individual was unable to participate in employment services.

Adjustments to the State 24- month clock occurs after benefit issuance. It is not appropriate to key exemption evidence for work eligible individuals prior to benefit issuance. Adjustments to the 24- month clock must be evaluated for employment services cases with 12,18, and 22 months on their time clock and when completing a review.

The 24-month time clock can also be adjusted when there is a verified (i.e. SSDI or VA) disability to accommodate the participant.

### **C. Functional Assessments**

County Social Services/ Human Services agencies are encouraged to utilize Functional Assessments for Work First participants who state they have a disability or other incapacity and are not receiving SSI, VA or SSDI payments for the disability. Functional Assessments are defined as a functional capacity evaluation and/or a vocational assessment, which will assist in appropriate planning of work activities for Work First participants. Both the functional capacity evaluation and the vocational assessment are similar in that they are used to determine an individual's capacity for work.

The Functional Capacity Evaluation (FCE) assesses a person's ability to perform work from a physical, medical, cognitive, behavioral or mental health perspective. One result from the FCE is a finding the participant has no capacity for work; this finding may assist the participant in the Social Security Disability determination process. An alternative finding is the participant has full or limited work capacity. In that case, the Work First case manager and the participant must update the Outcome Plan to incorporate work activities based on the FCE results.

The Vocational Assessment (VA) may consist of psychological and academic testing, observations, interviewing, testing of dexterity and motor skills. The VA provides information that assists with discussing and evaluating the individual's vocational goals, services needed to help obtain employment and/or training.

Results from these assessments may indicate either the participant has no work capacity, or the participant is found to have limited or full capacity for work. The Outcome Plan and the MRA-B should reflect the findings of any FCE or VA regarding the participant's ability to meet the participation requirements. The worker must always produce an MRA-B for participant and worker signature. A signed copy of the MRA-B must be maintained for the case record and the original must be given to the participant.

**D. Failure to Participate in Required Activities**

Work First employment services case managers are responsible for monitoring the individual's participation in the activities described on their Outcome Plan and displayed on their MRA-B.

The MRA-B requires the participant to notify the Employment Services worker immediately if there are circumstances which prevent the participant from completing the agreed upon activities. At that time, the worker and participant should discuss available options which will allow the participant/family to meet the required hours. If the participant does not notify the worker within 10 calendar days of the circumstance, the participant has failed to comply with their MRA-B. The cash assistance case may be subject to termination.

If a Work First participant does not complete the activities, as scheduled, the case manager must determine if the participant has **good cause** or if the individual has become exempt from participating in employment services as defined in [Work First Manual Section 103](#). Case managers must use prudent judgment to ensure that good cause is applied reasonably and equitably to all families.

Good cause is defined as:

- A significant family crisis or change
- Illness of the caretaker or child, including participation in substance abuse treatment or medical appointment
- Civil leave, including jury duty, or a required court appearance.
- A significant change in the participant's work schedule by the employer
- Disruption in childcare arrangements
- Loss of transportation.

It is important when determining good cause that the case manager reviews the participant's case and Outcome Plan, as well as discuss with the participant their reasons for failure to meet the required hours. If there is an indication that an existing or new disability is involved, the case manager and participant must revise the Outcome Plan and the accompanying MRA-B. Refer to Section IV.B.

For a two-parent family, the evaluation for good cause must include both parents. Both parents are accountable for the completion of the required hours of participation. The worker must evaluate why the two parents were not able to

meet the required hours of participation. There are instances, in which the other parent can complete additional hours to compensate for the shortage.

If good cause is granted, document the reason in the case narrative and issue the WFB payment. There will not be any negative consequences for the family. Discuss with the family ways to ensure their compliance with all required activities, moving forward. If needed, revise the Outcome Plan and MRA-B to aid their compliance.

If good cause is not granted, the WFB payment for that month must not be issued. The case manager must document the reason in the case narrative.

Note: Whenever a WFB payment is issued **and** the family failed to meet the required work participation, even with good cause, the case will have a negative impact on the county's Work Participation Rate.

## **V. NC FAST Outcome Management**

Outcome Management in NC FAST allows employment services staff to record and schedule work activities, record work participation, create and print agreements and complete the Work First Family Assessment of Strengths and Needs.

### **A. The Outcome Plan**

The Outcome Plan is the tool used by employment services staff to develop, in conjunction with the participant, an individualized plan of agreed upon work activities and supportive services. The Outcome Plan is also the method by which the case manager records the hours of participation in the scheduled work activities. The Outcome Plan must include:

- Employment goals that can be achieved within 24 months.
- Display of the months remaining on 24-month time clock and 60-month time clock.
- Required Federal work activities.
- Custom work activities.
- Hours, dates, time etc. for scheduled activities.
- Services provided by the agency; and
- Any reasonable accommodations needed by a disabled/incapacitated individual to participate in work activities.

The Outcome Plan is individualized based on the strengths and challenges identified through the assessment process and in-depth interview. Full time participation is defined as the completion of at least 30 hours per week of work activities for individuals whose youngest child is age 6 years or older. Individuals whose youngest child is under 6 years of age must complete 20 hours of work activities per week. Two-parent families, where both parents are work eligible,

must participate in and complete work activities for at least 35 hours per week (55 hours if receiving federally funded childcare).

However, an Outcome Plan may reflect fewer hours due to a lack of available appropriate activities, limited supportive services, or personal limitations of the participant. Work First Staff are responsible for balancing these limitations against the expectation of full-time participation and the requirement to meet the Federal Work Participation Rate. All work eligible individuals are expected to strive and make progress toward full time participation.

The Outcome Plan must reflect the assessment conducted with the Work First participant ([See Work First Manual Section 117](#)). If appropriate, it must also allow the opportunity to complete training or educational activities, participate in job search, **and** enter employment within 24 months. As such, the Outcome Plan and the MRA-B must be defensible if a family requests an extension of time limited benefits. Documentation must indicate that necessary opportunities and services were available and offered for a family to complete their work requirements and enter employment within 24 months.

When medical documentation indicates that an individual has a disability and cannot participate in the otherwise required hours, the Outcome Plan must reflect the number of hours and types of activities that are indicated by the medical documentation. In addition, the worker and the participant must work together to identify reasonable accommodations needed to support program participation.

Counties should require periodic updates, no less frequently than every 12 weeks, of medical documentation to determine if any changes have occurred in terms of work capacity. If the participant has a disability and needs assistance in obtaining the necessary documentation, the case manager should arrange for the needed assistance and document this in the case narrative.

The Outcome Plan and an initial MRA-B must be completed within 5 workdays of the application date for Work First. The printed MRA-B must be signed by the family. The household receives a copy, and a copy is maintained for the case record. If only one parent in a two-parent family is active in employment services, whenever possible, include both parents when discussing work activities and participation requirements.

If both parents in a two-parent family are participating in employment services, both should be included on a single Outcome Plan. Both parents should sign the MRA-B (DSS-6963- B) on the signature line or a second line can be manually added. The participation hours will count for each parent individually, but the MRA-B should only display one parent's name on the plan.

Outcome Plans may be short-term and may be updated or re-negotiated as often as appropriate. Frequent review of the Outcome Plan is encouraged to; 1. ensure continued progress toward identified goals and 2. provide early

identification of barriers to successful participation. At a minimum, the Outcome Plan must be reviewed by the case manager and the family every 12 weeks.

The exception to this is for participants who are in paid employment and whose hours are being projected. For these participants, continue to provide case management services to the family to support their ongoing employment and the realization of other family goals.

When reviewing an Outcome Plan, the case manager must evaluate the participant's progress toward the stated goals. If the participant is making unsatisfactory progress or there are indicators that the participant is experiencing new challenges, the case manager must contact the participant to discuss. This could be an appropriate time to update the Work First Family Assessment of Strengths and Needs ([DSS-5298](#)) and/or offer the Learning Needs Screening Tool ([DSS-5327](#) and [DSS-5330](#)).

Revisions to the Outcome Plan may be made at any time. Some examples include when:

- The participant becomes employed
- Completion of a Functional Assessment
- An activity has ended
- The participant is not making satisfactory progress in the activity; or
- The participant or the family has experienced a significant change in their situation.

When the Outcome Plan is revised, print an MRA-B. The MRA-B must reflect the changes made to the Outcome Plan and requires the signatures of the participant(s) and the case manager. The family gets the original document, and a copy is retained in the family's case record.

## **B. The Mutual Responsibility Agreement- Plan of Action (MRA-B)**

The Mutual Responsibility Agreement- Plan of Action (MRA-B) is the agreement between the Work First participant and the case manager that includes all the scheduled activities, services etc. included on the Outcome Plan. The MRA-B also includes the following information:

- Requirement for the participant to submit verification of all completed activities by the fifth (5<sup>th</sup>) business day of the following month.
- An explanation of the of the participant's responsibility to notify the case manager of any changes that prevents completion of the required the activities.
- An explanation of the Job Quit policy; and
- Notification that failure to comply with the MRA-B, without good cause, will result in the WFB payment not being issued for the month.

An MRA-B must be printed from the NC FAST Communications Tab whenever an Outcome Plan is created or revised by the case manager.. The MRA-B must be signed by case manager and the Work First participant(s). The participant's signature indicates the Outcome Plan was jointly developed and the family agrees to the responsibilities and conditions outlined. The signed MRA-B documents that policies regarding time-limited benefits, requirements for benefit issuance, hearings, extensions, and other requirements were explained to the participant. The participant receives the original copy of the signed MRA-B and a copy is maintained in the case record.

**VI. FEDERAL WORK ACTIVITIES**

Federal law requires that states meet work participation rates or face stiff fiscal penalties. In calculating the federal participation rate, only certain activities "count" in the calculation. These activities are called federal work activities. In NC FAST, these federal work activities are referred to as Federal Components.

**Federal work activities** are primarily activities intended to familiarize the participant with skills and behaviors appropriate to the workplace. In addition, work activities can provide a participant with references that can enhance future employment opportunities.

Work activities are the primary activities in which participants are involved, unless work activities are not appropriate based on the family's situation. Federal regulations further define work activities as core activities and non-core activities. Participation in the noncore activities only count after the participant(s) completes the required hours in the core activities. See the chart below:

Family Type	Single Parent Family with Child Under Age 6	Single Parent Family with Child Age 6 and above	Two Parent Family Receiving Federally Funded Child Care	Two Parent Family Not Receiving Federally Funded Child Care
Core Hour Requirement	Average of 20 hours per week	Average of 20 hours per week	Average of 50 hours per week	Average of 30 hours per week
Maximum Allowable Non-Core Hours	N/A	Up to an average of 10 hours per week	Up to an average of 5 hours per week	Up to an average of 5 hours per week
<b>Total Required Hours</b>	Average of 20 hours per week	Average of 30 hours per week	Average of 55 hours per week	Average of 35 hours per week

The core activities are:

1. Employment
  - a. Unsubsidized employment.
  - b. Subsidized private sector employment.
  - c. Subsidized public-sector employment.

2. Job Search
3. Job Readiness.
4. On-the-job training.
5. Work experience.
6. Community service programs.
7. Vocational educational training (for up to 12 months); and
8. GED/HS Completion for Teen Heads of Households.

The non-core activities are:

1. Job skills training directly related to employment.
2. Education directly related to employment; and
3. Satisfactory attendance at secondary school or in a course of study leading to a GED.

Following are the federal definitions of the work activities that are countable towards the federal definition of “engaged in work.” Any activities that are reported in NC FAST on the Outcome Plan must conform to the definitions below, as well as meeting the supervision and documentation requirements listed below. Federal law includes additional rules on **when** certain activities can count toward the federal work rate. This will be discussed further for the applicable federal activities.

#### **A. Employment**

Employment can be part-time, full-time, subsidized, or unsubsidized. All types of employment contribute to a participant’s required core hours. The number of hours completed determines whether the participant counts in the numerator of the participation rate.

##### **1. Unsubsidized Employment**

Unsubsidized employment means full- or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

In this context, tax credits received by the employer do not count as a subsidy. This is employment that is paid 100% by the employer. Self-employment is included in the definition of unsubsidized employment.

If a participant is in unsubsidized employment and earnings are not sufficient to make the participant ineligible for Work First Cash Assistance, counsel the participant on increasing earnings so that they can transition from Work First and not be subject to the time limits. Adding Job Search or post-employment training to their Outcome Plan may be appropriate.

##### **2. Subsidized Employment (Public or Private Sector)**

Subsidized employment means employment for which the employer receives a subsidy from TANF, MOE, or other public funds to offset some or all the wages and costs of employing a participant.

If the subsidy is paid by the county social services/ human services agency, it is considered wage supplementation. Employers eligible for this subsidy include those in the public, private, and non-profit sectors.

For counties that choose to operate wage supplementation:

1. The amount of the wage supplement equals the amount of the cash benefit received the month prior to the individual becoming employed.
2. For new applicants, the wage supplement equals the amount of cash the family would have been eligible to receive without consideration of the income to be received through the supplemented job.
3. The amount of subsidy will be frozen for the length of the subsidy.
4. Employers will enter into a contract with the local social services/ human services agency specifying the conditions of the wage supplementation.
5. In the contract, the county social services/human services agency must outline employer expectations and time frames. Contracts may not exceed 12 months.

Another option for subsidized employment is the use of a third-party vendor, such as a temporary staffing agency. The third-party contractor serves as the employer of record and is paid a fee by the county social services/human services agency with TANF or MOE funds, to cover salary, expenses, and success in placing employees.

**NOTE:** Counties that plan to use subsidized employment must notify NC DSS Work First Program for assistance with program development, approval and the required closeout procedures.

3. Documentation, Limits, and Projection of Employment Hours

a. Employment hours must be documented by:

1. A signed and dated document, such as a wage verification form (DSS-8113) wage stubs, payment statement or a time sheet from the employer. The document must show actual hours that the employee has already worked, not the estimated number of hours to be worked.

2. In circumstances when written or email documentation cannot be obtained telephone verification can be used but must be well documented in the case narrative. Documentation of telephone verification must include the date of the call, name and title of the person who gave the information.

The case narrative must include an explanation of why the written documentation could not be obtained. Telephone verification must document actual hours that the employee has already worked.

3. If the case manager has documentation of actual hours worked in a month, record the scheduled participation on the Outcome Plan.

**Note:** Hours for which the participant is paid but does not work, such as sick leave, vacation and holidays are considered countable hours. For employment, do not enter excused or holiday hours on the Outcome Plan.

b. Limit on Self-employment hours:

The number of countable employment hours for a person who is self-employed is limited by the minimum wage.

For a self-employed individual, the case manager must calculate the employment hours by dividing the individual's monthly adjusted gross income by the Federal or State minimum wage, whichever is greater. Adjusted gross income is gross income minus operational expenses. Divide the monthly countable earned income by the minimum wage. The result of this calculation is the maximum number of employment hours that are keyed as participation hours for the individual.

Documentation of this calculation must be maintained in the case narrative, and the case manager must not key more than the calculated number of employment hours.

Note: As of July 24, 2009, both the state and federal minimum wage were set at \$7.25 per hour.

4. Projecting Hours of Employment:

Hours of participation in employment may be projected for up to six months following initial documentation of the work schedule. Documentation may be done by wage verification form, a time sheet that is signed and dated by the employer, or by wage stubs or pay statement. Wage stubs or pay statements do not have to be signed by the employer.

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**WORK FIRST**

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The projection of work hours must be based on at least two weeks of documentation showing the actual hours worked by the participant. Telephone verification is not acceptable for projecting employment hours.

When there is documentation of at least two weeks' work, the case manager will determine the average weekly hours and enter the work participation hours in NC FAST.

**Example:** Ms. Jones has the following check stubs:

Pay From:	Pay To:	Rate:	Hrs. Worked:	Gross Pay:
7/30	8/5	\$7.00	36	\$252.00
8/6	8/12	\$7.00	40	\$280.00

Calculate average weekly hours:  $36 + 40 = 76$ .  $76/2 = 38$   
Distribute the hours equally across the days in the work week. Enter duration of 5 hours 26 minutes every day.

Continue to report scheduled participation based on this calculation for up to six months as long as no change is reported. The case manager does not need to obtain additional check stubs for six (6) months.

For self-employed individuals, use the calculation of the number of hours of participation in self-employed activities based on the formula above. The hours of participation can be projected for six months without reverification or recalculation, unless the individual reports a change or there is a change in the minimum wage.

For the months in which, a participant begins or leaves a job (partial months), use actual hours and do not project. After two full weeks of employment, apply the projection formula as above. If the participant's hours are not on a regular schedule, do not use projection but report actual hours based on documentation as defined above.

The Work First case manager must make it clear the participant is required to report any changes to the work schedule.

Once the ongoing schedule has been documented, report the same number of ongoing work hours for up to six months without verifying monthly. If the participant reports a change in schedule, the Work First case manager must re-determine the ongoing number of hours to report in NC FAST.

**B. Job Search and Job Readiness**

For purposes of calculating the federal participation rate, Job Search (JS) and Job Readiness (JR) are counted as one activity. Job search and job readiness means the act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training. Job Readiness activities such as, rehabilitation activities, substance use treatment and mental health services must be determined to be necessary and certified by a qualified medical or mental health professional. Job search and job readiness assistance activities must be supervised by the social services/human services agency or other responsible party on an ongoing basis no less frequently than daily.

Note: Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for the oversight of the individual's participation.

1. Twelve Week Limit

While there is not a limit to the amount of time a person may participate in Job Search/ Job Readiness (JS/JR) activities, federal regulations limit the amount of time the State may use JS/JR hours as federally countable hours to 12 weeks per year. A year is considered any consecutive 12month period.

The 12-week limit is converted to an hourly limit based on the participant's work eligible status. Single custodial parents of children under age 6 may have 240 hours per year of countable JS/JR. That equals to 12 weeks at 20 hours per week. Other work eligible individuals can have 360 hours per year of countable JS/JR which equals to 12 weeks at 30 hours per week.

When an individual's work eligible status changes from single parent of children under age 6, the participant is allowed additional hours of JS/JR. The participant can complete an additional 120 hours in a 12-month period.

For two-parent families where both parents are work eligible, these limits apply to **each parent**, separately. Therefore, each parent in a two-parent case can participate in up to 360 hours each for Job Search and Job Readiness activities in a 12-month period.

2. Four Consecutive Week Limit

Job Search or Job Readiness activities cannot be reported as federally countable for more than 4 consecutive weeks.

These weeks are not converted to hours. They are four calendar weeks, Sunday through Saturday. Documentation in the case record, such as

Job Search Report forms, must show that participation hours on the Outcome Plan in NC FAST, as countable were not accumulated over more than four consecutive weeks without a break of at least one calendar week.

This does not prevent a participant from being assigned to these activities for more than 4 consecutive weeks or the hourly limit in a 12-month period. It means the State does not receive participation rate credit for these activities after these time limits have been met

**Example:** A work-eligible parent with a child under 6 is participating in a Job Search or Job Readiness activity for 20 hours per week for four weeks. In the fifth week, the non-countable Job Search/Job Readiness activities may be keyed as a custom activity in NC FAST. Custom activities do not count toward the WPR.

In the sixth week, the participant could resume the countable Job Search or Job Readiness activities for 20 hours and continue for the next four consecutive weeks (through week 9.) This process could continue with every fifth week not being countable for Job Search or Job Readiness activities, until the 240 hours' limit for the 12-month period. If the individual participated in this manner using the full 20 hours per week, the result would be 12 weeks of Job Readiness or Job Search total in the 12month period with a week break every fifth week.

However, if the individual participated in these activities for less than 20 hours a week, the number of weeks they could participate would be greater. For example, a work eligible parent with a child under 6 participated in a Job Search or Job Readiness activity for 10 hours a week combined with other countable work activities for the other 10 hours a week, the participant could be in the Job Search or Job Readiness activities up to 24 weeks with a week break every fifth week.

### 3. Job Search Activities

Job Search activities enable a participant to seek employment in a structured setting. To ensure the participant is placed in appropriate job search activities, the Work First case manager should conduct an assessment to review the job readiness of the participant, as well as identify and reduce the barriers to employment such as substance use, domestic violence, physical or mental health challenges, etc. (See [Work First Manual Section 117, Ongoing Assessment and Services](#)) The case manager will discuss with the participant the agencies and professionals that may be able to provide services. The appropriate referrals should be made as soon as possible to support the individual's participation.

Job Search activities can be conducted in group and individual settings. In general, participation should:

1. Identify employment goals.
2. Outline strategies to engage in meaningful Job Search (i.e., registering with all local employment agencies and online employment websites, attending agency-sponsored Job Club/Job Fair activities, developing a good script to contact potential employers, and utilizing online resources to analyze the local labor market to target employment opportunities);
3. Specify the minimum number of employer contacts to be made each week.
4. Include structured interview preparation.
5. Provide opportunities to evaluate a job interview; and
6. Include structured activities which will be reported and monitored at least bi-weekly.

It is imperative the case manager monitor the job search activity to ensure participation is within the required limits. If not within the requirements, the worker must contact the participant to discuss interventions and strategies to improve participation.

4. Job Search Documentation:

Close supervision is required for Job Search activities, including face-to-face or telephone contact no less often than every two weeks with the Work First case manager or a third-party provider of the job search activity (such as a job coach or job developer assigned to work with Work First participants). The purpose of this direct contact is to provide the participant with guidance and instruction. The participant and case manager must have face-to-face contact, at least monthly.

Participants in Job Search activities must keep a daily log of all actual hours of job search activities including a list of employers contacted and results of the contact. This log must contain specific information on each job search activity, including researching for job leads, employers that were contacted and the method of contact such as face-to-face, internet or telephone. If the participant is engaged in more formal group or individual job search activities, the actual time spent in these activities must also be included on the daily log. Group job search activities may be defined as participation in job fairs, structured job search programs, etc.

The signed and dated daily logs, sign-in sheets and attendance reports must be submitted monthly to the Work First case manager and will be used to enter participation hours. These daily logs, sign-in sheets or

attendance reports from structured job search programs must be maintained for the case record. Electronic reporting such as e-mailed or faxed verifications from the provider is acceptable documentation.

Participants who have difficulty keeping daily logs due to their disabilities must be provided with assistance as a reasonable accommodation.

Travel time between locations during the day, such as between different employers' office to seek employment is included in the hours of participation. Commuting time from home to a job search location and return to home at the beginning and end of the day is not included in hours of participation. The case manager must document in the case narrative the travel time and mode of transportation. Map Quest or other similar navigation tools should be used to calculate travel time for driving times.

Hours may be reported for excused absences and holidays for job search activities.

5. Job Search Supervision:

Supervision of the job search activity is completed by the provider of the activity to whom the participant reports to give updates of daily activities and to receive instruction and job leads. Daily supervision does not mean daily contact. Daily supervision of a job search participant means access to a Work First case manager or other employment services provider on a daily basis for reporting progress, providing additional guidance or job leads. Face-to-face or telephone contact must occur at least every two (2) weeks with the Work First case manager or other employment services provider to assess progress. At least monthly, the participant must submit the daily logs, sign-in sheets and attendance reports directly to the case manager through face-to-face contact. The case manager should verify the information with the participant and plan other job search or work activities. This documentation of participation must be maintained in the case record. The hours of participation must be entered on the Outcome Plan in NC FAST. The Outcome Plan must include the job search plan, the supportive services, and any reasonable accommodations. The signed MRA-B must reflect the same information as the Outcome Plan.

The case manager will inform the job search participant that random checks on reported job search activities will be made to verify the time reported and actual activity on the daily log. During the time the participant is engaging in job search activities, the case manager must conduct at least two random contacts during each four-consecutive week period to verify what was reported on the daily log. To verify NC Works

referrals, the case manager must request the participant provide information from their NC Works online account.

6. Job Readiness

Job Readiness activities help participants develop knowledge, skills, and attitudes that will enable them to be successful in employment. Job Readiness activities provide instruction and practice to familiarize participants with general workplace expectations and to develop work behaviors and attitudes necessary to compete successfully in the labor market. Job Readiness activities not only promote obtaining employment but also enhance participants' job retention and advancement skills.

To ensure the participant is placed in appropriate job search activities, the Work First case manager must conduct an assessment to review the job readiness of the participant, as well as identify and reduce barriers to employment such as substance use, domestic violence, etc. ([See Section 117, Ongoing Assessment and Services](#))

Some of the skills/resources that may be addressed in Job Readiness activities include:

- Resume/job application preparation.
- Interviewing.
- Interpersonal communications.
- Problem-solving and Crisis management.
- Career awareness.
- Time management.
- Developing positive work and/or personal habits.
- Substance use treatment.
- Mental health treatment.
- Domestic violence counseling.
- Rehabilitative activities; and
- Budgeting/Financial Management.

Examples of Job Readiness activities include but are not limited to, Human Resource Development (HRD) programs, job clubs, etc.

7. Job Readiness Documentation:

Job readiness activities must be structured and scheduled. The participant must keep and submit written documentation of their participation or provide attendance reports from the provider of the activity. These attendance reports or written documentation from the participant must be signed by the program provider verifying the accuracy of the actual hours reported. Job readiness participation reports must be submitted to the Work First case manager at least monthly.

Note: For domestic violence counseling to be treated as a job readiness activity, the activity must be related to job preparedness.

8. Job Readiness Supervision

Supervision of job readiness is provided by the substance abuse or mental health provider, the instructor, facilitator, or staff leading the job readiness activity. The Work First case manager must maintain contact with provider to monitor the participant's progress.

**C. On-the-Job Training**

On-the-job training (OJT) means training in the public or private sector that is given to a paid employee while engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less frequently than daily. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation. Daily supervision is provided in a comparable manner to daily supervision for regular employees at the work site.

While it is possible for a county social services /human services agency to pay the wage subsidy (and engage in all aspects of OJT delivery), counties are encouraged to first explore the availability of existing resources. Often, local agencies (Department of Labor, Workforce Innovation Opportunity Act (WIOA) agencies, NC Works Career Centers, etc.) receive funds to support OJT activities. The funds they receive are intended to cover the subsidies paid to employers and staff time to develop, monitor, and evaluate OJT contracts.

1. In general, OJT contracts must:

1. Be limited to a maximum of 12 months. The duration of the OJT contract should be driven by the complexity of the skills required for the job.
2. Include a job description (including the skills and knowledge necessary to perform the job) that reflects the appropriate number of hours per week.
3. Outline the employer's plan to teach the skills needed for this job.
4. Guarantee that the participant is paid at a rate comparable to other employees performing the same job (but never less than minimum wage), including benefits and periodic pay increases.
5. Ensure that the subsidy paid to the employer (when paid exclusively with Work First funds) does not exceed one-half of the wages paid to the Work First participant; and
6. Include an agreement by the employer to protect regular employees by instituting a grievance procedure, ensuring that OJT

participants do not displace regular employees, and guaranteeing that OJT participants do not replace regular workers that have been laid off.

**NOTE:** OJT is distinguished from Subsidized Employment by a training plan in conjunction with written agreements. The training in an OJT placement is designed to develop specific skills and a base of job specific knowledge on the part of the participant that prepares the participant to become qualified as an employee in a specific field. These job specific skills and knowledge development are above and beyond the work experience or general “job readiness” skills that are gained in subsidized employment.

2. Documentation:

Actual OJT hours of participation must be documented by a wage stub, wage verification form or a time sheet signed and dated by the employer.

a. Countable hours for OJT are the actual hours the participant is present on the work site and performing work-related duties. This also includes actual hours for which the individual is paid, but does not work, including paid leave and holidays.

Federal Excused absences are not allowable for OJT. Paid leave and holidays received by participants in OJT are countable hours in NC FAST.

b. It is permissible for the actual hours to be verified by a telephone call with the employer when written documentation is not available. This telephone verification must be documented in the case narrative including the date of the call, name and title of the person providing the information.

c. The documentation should also include the reason for not being able to obtain any of the written documentation options above. The telephone verification must verify and report actual hours. Telephone verification of hours cannot be used to project monthly hours.

All documentation of verified participation hours must be maintained in the participant’s case record.

Hours of participation in OJT may be projected for up to six months following initial documentation of the work schedule. Project hours of OJT using the same methods as described for employment.

3. Supervision:

Daily supervision is provided by the employer comparable to supervision provided to regular employees. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation.

**D. Work Experience**

Work experience, if sufficient private sector employment is not available, means a work activity, performed in return for public assistance that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment.

The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. Placements in Work Experience are designed to prepare participants to obtain unsubsidized employment by helping them develop a current work history, establish employment references, and develop and improve marketable skills. This activity must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less frequently than daily.

Note: Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily oversight of the individual's participation.

1. Work Experience Agreement:

A Work Experience/ Community Services' Agreement ([DSS-6905](#)) must be completed and on file for every Work Experience site. A copy of this form, including the job description, must be given to each participant and a copy maintained in the participant's case record. Work Experience sites can be in either the public or private sector. Work sites cannot be related to any political or partisan activities; nor can they be developed because of a strike or bona fide labor dispute. This agreement advises the provider that written verification of the actual hours spent by participants in Work Experience, as well as a review of performance must be provided to the Employment Services worker no less frequently than monthly.

As with OJT contracts, placement at a Work Experience site can neither displace staff that are currently employed, nor cause their hours, wages, or benefits to be reduced. Work Experience participants cannot fill the position of an employee that has been laid-off. Further, the work site sponsor must establish a grievance procedure for regular employees who feel that displacement has occurred. Refer to the [DSS-6905](#) for further information and requirements.

2. Documentation:

Documentation of actual hours of participation in Work Experience, using daily attendance reports signed by the work site sponsor must be provided to the Work First case manager at least monthly. Electronic reporting via fax or email from the work site sponsor is acceptable.

3. Fair Labor Standards Act

Federal law requires that the minimum wage rules of the Fair Labor Standards Act (FLSA) apply to Work Experience participants. Because of the FLSA regulations, work experience activities must not exceed the maximum number of hours per month as determined by the FLSA formula, unless the employer is exempt from FLSA by the Department of Labor.

The maximum number of hours the participant may be assigned to Work Experience per month is determined by subtracting the amount of current child support order for children on the Work First cash assistance case from the cash assistance payment. It does not matter if the child support order amount is an unpaid amount.

The remaining sum is added to their Food and Nutrition Services (FNS) allotment and then divided by the state or federal minimum wage, whichever is greater. As of July 24, 2009, both the state and federal were set at \$ 7.25 per hour.

**WFFA payment – (current IVD support orders) + FNS allotment / Federal or State Minimum Wage (whichever is greater)**

The case manager must conduct an Online Verification System (OVS) inquiry to determine the current support order amount(s) on open ACTS cases for children on the Work First cash assistance case. Total all current orders (excluding arrears) and subtract that total from the amount of the WFFA payment. The participant is not permitted to complete more hours than allowed by the formula **even if the** participant agrees or volunteers for additional hours beyond the hours calculated. This is a violation of federal labor law. If the employer is exempt from FLSA by the Department of Labor, this calculation is not applicable.

If only one adult in the Work First and FNS case is assigned to complete the Work Experience hours, the entire sum of the household's Work First and FNS benefit amounts can be used to determine the Work Experience hours the individual is required to complete. However, if there is another Work First adult in the household who will participate in Work Experience, the county must determine how to divide the allowable number of hours using the Work First and FNS benefit amounts between or among the adults on the cases.

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**WORK FIRST**

**Work Requirements and Services**

**Change # 04- 2022**

**November 1, 2022**

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The Work First case manager must document the FLSA calculation in the case narrative each month. If there are changes in the Cash Assistance or FNS product amounts, the Work First case manager must review the FLSA Calculation Record in NC FAST. If needed, the worker must modify the FLSA Calculation Record to accurately reflect the required countable hours that must be completed by the participant. The record calculated by NC FAST will be cancelled and the worker modified record will be stored as the active record.

**Work Experience Calculation – Example 1**

A parent receives \$236 per month in Work First Cash Assistance. There is an open child support case in ACTS with a current order of \$50. The monthly FNS allotment is \$230.

\$ 236.00	Monthly WF Cash Assistance Payment
- 50.00	Minus (net) Child Support
\$ 186.00	WF Cash Assistance used for FLSA
+ 230.00	Add monthly FNS allotment
= 416.00	Total Assistance to use for FLSA calculation
\$416.00 / \$7.25 (State and Federal minimum wage as of July 24, 2009) = 57.37 hours (use standard rounding methodology) Maximum Hours of Work Experience for month = <b>57</b>	

**Work Experience Calculation – Example 2**

A parent receives \$272 per month in cash assistance. The parent has two open child support cases in ACTS with the orders totaling \$280.00. The monthly FNS allotment is \$340.00.

\$ 272.00	Monthly WF Cash Assistance Payment
- 280.00	Minus (net) Child Support
\$ 0.00	WF Cash Assistance used for FLSA
+ 340.00	Add monthly FNS allotment
= 340.00	Total Assistance to use for FLSA calculation
\$340.00 / \$7.25 (State and Federal minimum wage as of July 24, 2009) = 46.89 hours (use standard rounding methodology) Maximum Hours of Work Experience for month = <b>47</b>	

4. Deeming Work Experience Hours

When a participant completes the maximum number of hours of Work Experience allowable, and that number is below an average of 20 hours per week, the participant will be “deemed” to have completed an average of 20 hours per week of work experience for that month.

The “deeming of hours” is a system calculation that occurs after the case manager enters the actual work experience hours in the Outcome Plan Participation Folder for the month.

In Example 1, the participant is limited to 57 hours per month in Work Experience. If the participant completes the 57 hours, the participant has met the participation requirement. There must be valid documentation in the case record to verify 57 actual hours of participation. “Federal Excused” or “Excused” absences and holidays may count toward the 57 hours. The case manager will enter the 57 actual hours on the Outcome Plan.

If the participant does not complete the total number of required work experience hours (including excused absences and holidays,), deeming will not occur. The case manager would key the number of actual hours on the Outcome Plan. In Example 1, if the participant only completed 52 hours of Work Experience and had 2 hours of Federal Excused absences/holiday time, the case manager would key 54 hours on the Outcome Plan for the month.

If the employer is exempted from the FLSA by the Department of Labor, hours for participation will not be limited to the FLSA calculation.

5. Supervision:

Daily supervision is provided by the work site sponsor. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual’s participation.

6. Workers Compensation Coverage:

Federal regulations require that "health and accident coverage" be provided to all Work Experience participants. As such, the NC Division of Social Services (NC DSS) provides Workers Compensation coverage through a policy with Key Risk Management Services. The case manager must provide a copy of the Workers Compensation Notice ([DSS-5321](#)) to each Work Experience participant.

Call Key Risk’s toll-free number, **1-866-847-8872**, to report when an injury occurs to a Work Experience participant. The Policy Number is 992-444.

The name insured is North Carolina Department of Health and Human Services, Division of Social Services.

It is mandatory under State Law that an accident report be submitted to the North Carolina Industrial Commission via the insurance carrier within **five working days** of the “employer’s” (work site sponsor/supervisor) knowledge of the accident.

In addition to initiating the claim with Key Risk, notify the Economic and Family Services Section/ Work First Policy at 919-527-6300 to report the incident and to provide the claim number. This should be done immediately but no later than five (5) business days from the date the county social services/ human services agency learns of the incident.

Use the Report of Injuries Log, [DSS-5322](#), to list all report of injuries sustained by participants engaged in Work Experience activities. Submit the log quarterly to the NC DSS by the timelines identified on the log. **It is not necessary to submit the log if there are not any injuries for the report period.**

It is the responsibility of the county social services/human services agency to ensure all worksite sponsors are aware of the managed care network of pharmacies and medical providers and other procedures related to worksite injuries and workers compensation.

**E. Community Service**

**Community service** programs means structured programs and embedded activities in which TANF recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community service programs are designed to improve the employability of recipients and must be supervised on an ongoing basis no less frequently than daily. Consider the prior training, experience, and skills of a participant when determining the appropriateness of community service assignments.

1. Fair Labor Standards Act

In consultation with the North Carolina Department of Labor, it is established that most community services positions are considered employer/employee relationships and are subject to the Fair Labor Standards Act (FLSA). There are rare situations whereby a community service position would not constitute an employer/employee relationship. These would be positions in an entirely volunteer organization where no one is paid, and no one has supervision over the volunteers. This type of

community service position is not subject to FLSA, and actual hours should be reported. An example for such a position could be a church soup kitchen where no one is paid. In this case, the participant's hours are not limited to the FLSA calculation.

An organization that is an example of an employer/employee relationship for community service is the American Red Cross (ARC). The ARC has volunteers, as well as paid staff that supervise the volunteers and it benefits the community as the above definition requires. In this case, the participant's hours are limited to the FLSA calculation.

2. Community Services Agreement:

A Work Experience/ Community Services' Agreement ([DSS-6905](#)) must be completed and on file for every Community Service site. A copy of this form, including the job description, must be given to each participant and a copy maintained in the participant's case record. Work sites cannot be related to any political or partisan activities; nor can they be developed as because of a strike or bona fide labor dispute. This agreement advises the provider that written verification of the actual hours spent by participants in Community Service, as well as a review of performance must be provided to the Employment Services worker no less frequently than monthly.

3. Documentation:

Document hours of participation in Community Service by daily attendance reports, signed by the supervisor or sponsor who provides daily supervision of the participant must be submitted to the Work First case manager and maintained in the participant's case record. Attendance reports must be submitted no less than monthly and should include holidays and hours for excused absences. Electronic reporting via fax or email from the provider is acceptable.

Countable hours are determined by using the same calculation as with Work Experience and the participant cannot volunteer for more hours. The same FLSA rules that apply to Work Experience participants also apply for Community Service positions with an employer/employee relationship. The same policy for excused absences and holidays applies to Community Service as those outlined for Work Experience. In those rare instances when the Community Service activity does not constitute an employee/employer relationship, the number of hours will not be limited by the FLSA calculation.

Because of the FLSA regulations, combined Community Service and Work Experience activities should not exceed the maximum number of hours per month as determined by the FLSA formula.

4. Deeming Community Service Hours

If the FLSA applies, use the same calculation as with Work Experience to determine the maximum number of hours for Community Service. The process for deeming of hours up to 20 hours per week would apply when reporting the Community Service hours under the FLSA rule.

The Work First case manager must document the FLSA calculation in the case narrative each month. If there are changes in the Work First cash assistance or FNS product amounts, the Work First case manager must review the FLSA Calculation Record in NC FAST. If needed, the worker must modify the FLSA Calculation Record to accurately reflect the required countable hours that must be completed by the participant. The record calculated by NC FAST will be cancelled and the worker modified record will be stored as the active record.

5. Supervision:

Daily supervision is provided by the volunteer site sponsor. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation.

6. Workers Compensation Coverage

The NC DSS provides Workers Compensation coverage through a policy with Key Risk Management Services for participants in Community Service activities. The case manager must provide a copy of the Workers Compensation Notice ([DSS-5321](#)) to each Community Service participant.

Call Key Risk's toll-free number, 1-866-847-8872, to report when an injury occurs to a Community Service participant. The policy number is 992444. The name insured is North Carolina Department of Health and Human Services, Division of Social Services.

In addition to initiating the claim with Key Risk, notify the Economic and Family Services Section/ Work First Policy at 919-527-6300 to report the incident and provide the claim number. This should be done immediately but no later than five (5) business days from the date the county social services/ human services agency learns of the incident.

Use the Report of Injuries Log, [DSS-5322](#), to list all report of injuries sustained by participants engaged in Community Service activities. Submit the log quarterly to NC DSS by the timelines identified on the log. **It is not necessary to submit the log if there are not any injuries for the report period.**

It is the responsibility of the county social services /human services agency to ensure all worksite sponsors are of aware of the managed care network of pharmacies and medical providers and other procedures related to worksite injuries and worker's compensation.

#### **F. Vocational Educational Training**

Vocational educational training (not to exceed 12 months with respect to any individual) means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring career and technical education. Vocational Educational Training allows for participation in a bachelor's degree or an advanced degree program, as well as two-year degree programs and vocational certificate programs. Vocational educational training must be supervised on an ongoing basis no less frequently than daily. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation.

Vocational Educational Training is education or training designed to provide the participant with the basic skills and certification necessary for employment in an occupational area or for a post-secondary degree. For basic and remedial education and English as a Second Language (ESL) to count towards Vocational Educational Training, these activities must be a necessary part of the training. When a participant enrolls in a basic and remedial educational program or an ESL program, the case manager will confirm with the program providing the vocational educational curriculum that the basic/remedial education and/or ESL are regular and necessary parts of the overall curriculum. This confirmation may be in writing or documented through a telephone call or e-mail by the case manager. Documentation of this statement must be included in the participant's case record. If it is determined that the basic/remedial education and/or ESL are not a regular part of the vocational education curriculum, the hours spent in those activities can be counted as Education Directly Related to Employment.

Online programs may be allowed as countable activities. Any online program that a participant has interest in will be evaluated on a case-by-case basis by the Work First case manager to determine it is a valid program suitable for the participant's work goals and is directly related to the preparation of individuals for employment in current or emerging

occupations. The case manager will also evaluate the program's structure for counting participation hours and supervision of the activity.

There are situations where a participant is enrolled in a vocational education activity that requires the participant to use the skills, they are learning in the curriculum in a laboratory setting or with the public.

For example, a participant is enrolled in a cosmetology curriculum at a community college. They spend time "working on the floor" as a cosmetologist at the community college for anyone who walks in as a part of their training. The time working as a cosmetologist would be countable as Work Experience. Similarly, a culinary curriculum has a day-long laboratory where students are required to dress, act, and prepare meals just as if they were in a restaurant kitchen.

1. Homework Time

Hours spent in supervised homework/study situations are countable for the Work Participation Rate (WPR). In addition, unsupervised homework/study time may count as part of Vocational Educational Training toward the WPR; one hour for each hour spent in the classroom. Supervised and unsupervised homework/study time cannot exceed the hours advised or required by the educational institution. The case manager must check with the educational institution to obtain the advised or required hours for homework/study time and document that information in the case record.

2. Limitations

For current participants, federal law limits Vocational Educational Training as a countable activity to a total of 12 months during the participant's lifetime of assistance. Participation in Vocational Educational Training beyond that time is not a federally countable work activity. Case managers must consider whether a Vocational Educational Training activity could be classified as Job Skills Training Directly Related to Employment.

Organizations such as community colleges, WIOA, and proprietary schools offer curricula such as welding, automotive repair and customer support, etc. that educate or train participants for specific employment opportunities.

Any hours reported as Vocational Educational Training in a month are counted as using one of the 12-months lifetime-limit. Therefore, it is important to be strategic in reporting hours to maximize the time allowed for the participant.

For example, if a participant does not have enough hours to count toward the Work Participation Rate in a month, even with other countable activities included, the case manager should consider reporting the Vocational Educational Training hours under another work activity. By doing so, one of the 12 months can be saved for a month when there are enough hours to count in the Work Participation Rate.

By carefully structuring participation, counties can count participation under several of the countable work activities. For example, obtaining a degree to become a licensed practical nurse usually takes two years to complete and usually involves a combination of classroom instruction and clinical activities. Clinical training in a hospital or other setting could count as Work Experience. If the participant is paid for the clinical training, the hours might be counted as Unsubsidized Employment or On-The-Job Training. Once the participant meets the core activity requirement, additional classroom instruction could be reported under Job Skills Training Directly Related to Employment.

3. Documentation:

Document actual hours of participation in Vocational Educational Training by daily attendance reports signed by the instructor(s) who provide(s) daily supervision of the participant. Attendance reports must be submitted at least monthly. Documentation of actual hours of online program activities must be maintained in the case record and may be documented by electronic log-in/log-out print outs or by log-in/log-out reports maintained by the participant. Electronic reporting via fax or email is acceptable from the provider. Also, any documentation from online courses that estimates the amount of time for completion of an assignment or activity and the participant shows the case manager the completed product from that activity may be used.

If the participant is attending a supervised study/homework arrangement, those hours will be reported by a daily attendance report signed by the person who supervises the study time. Electronic reporting via fax or email is acceptable from the provider.

Documentation must be maintained in the case to record the number of hours of unsupervised homework/study allowed for each hour of classroom participation reported. Also, documentation is needed to identify the required or advised unsupervised homework time recommended by the educational institution. The documentation in the case record must show the total number of hours for unsupervised and supervised homework/study hours reported for the month. The case manager will record the total number of homework/study hours in NC FAST up to the number of required or advised hours in addition to the actual hours in the classroom.

In addition to the above, holidays and hours of federally excused absences for times that the participant would otherwise have been scheduled to participate in Vocational Educational Training are also countable.

4. Supervision:

Daily supervision is provided by school personnel, program instructor, and/or supervised study hall. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation. The case manager provides supervision and monitoring of participation based on the daily attendance records provided by the educational institution, class instructor, or study hall monitor.

**G. GED/HS Completion for Teen Heads of Households**

Teen Heads of Households, through age 19 (through the month in which they turn 20), who maintain satisfactory secondary school attendance; including GED studies, count toward the numerator of the work participation rate. The case manager will record the actual hours of participation for the month, including school breaks and holidays. Satisfactory school attendance is in accordance with the requirements of the school institution or program. This means this person has completed the required hours for the month.

The participant will be "deemed" to have completed the required hours for the month. The "deeming of hours" is a system calculation that occurs after the case manager enters the actual work school attendance hours in the NC FAST Outcome Plan for the month.

Online learning programs may be allowed as countable activities. Any online learning program that a participant has interest in will be evaluated on a case-by-case basis by the Work First case manager to determine if it is a valid program suitable for the participant's educational goals. The case manager will also evaluate the program's structure for counting participation hours and supervision of the activity.

This activity may not include other educational activities, such as adult basic education or language instruction unless they are linked to attending a secondary school or GED program. Unlike "Education Directly Related to Employment", this activity is not restricted to those for whom obtaining a GED is a prerequisite for employment.

1. Documentation:

For high schools, the case manager must document satisfactory attendance by obtaining attendance reports from the school no less often than monthly. The attendance report must be maintained in the participant's case record. Electronic reporting via fax or email is acceptable from the provider.

For GED programs, document actual hours of participation by attendance reports signed by the instructor(s). Attendance reports must be submitted at least monthly. Electronic reporting via fax or email is acceptable from the provider.

Good or satisfactory progress will be determined by the educational institution. It is not the responsibility of the Work First case manager to monitor progress.

If the participant is attending a supervised study/homework arrangement, those hours will be reported by a daily attendance report signed by the person who supervises the study time. Electronic reporting is acceptable from the provider to the case manager.

Documentation must be maintained in the case to record the number of hours of unsupervised homework/study allowed for each hour of classroom participation reported. Documentation is needed to identify the required or advised unsupervised homework time recommended by the educational institution. The documentation in the case record must show the total number of hours for unsupervised and supervised homework/study hours reported for the month. The case manager will record, on the Outcome Plan, the total number of homework/study hours up to the number of required or advised hours in addition to the actual hours in the classroom.

Countable hours are the actual number of hours spent attending classes and in activities that are required as a part of the program, attending supervised study sessions, and unsupervised homework/study time. Holidays and "Federal Excused" absences may also count toward participation when the individual is unable to participate in this activity due to the holiday or "Federal Excused" absence.

Documentation of actual hours of online learning activities must be maintained in the case record and may be documented by electronic login/log/out print outs or by log-in/log-out reports maintained by the participant. Also, any documentation from online learning courses that estimates the amount of time for completion of an assignment or activity and the participant shows the case manager the completed product from that activity may be used.

The educational institution is responsible for determining whether the participant is making satisfactory progress. It is not required of the Work First case manager to determine progress.

2. Supervision:

Daily supervision is provided by school personnel, program instructor, and/or supervised study hall. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation. The case manager provides supervision and monitoring of participation based on the daily attendance records provided by the educational institution, class instructor, or study hall monitor.

***Hours of participation in activities H. through J. below are countable toward the participation rate only after the participant has completed a "core" number of hours in activities A. through G. above. For the all-families rate, the core requirement is 20 hours per week. For the two-parent rate, the core requirement is 30 or 50 hours per week, based on if the family receives federally funded childcare. See minimum average hours charts located in Section VIII. Participation Rates.)***

**H. Job Skills Training Directly Related to Employment**

Job skills training directly related to employment means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This activity can include customized training to meet the needs of a specific employer, or it can be general training that prepares an individual for employment. This can include literacy instruction or language instruction when such instruction is explicitly focused on skills needed for employment or combined with job training. Job skills training directly related to employment must be supervised on an ongoing basis no less frequently than daily. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual's participation.

Organizations administering WIOA programs and community colleges may be a resource for this work activity. For example, a participant is assigned to CNA Skills Training activity through WIOA and is expected to complete the program in 3 months and enter employment upon completion.

Always evaluate if a Job Skills Training activity can be counted as Vocational Educational Training. Example: CNA Skills Training can be countable as either Job Skills Training or Vocational Educational Training.

Online learning programs may be allowed as countable activities. Any online learning program that a participant has interest in will be evaluated on a case-by-

case basis by the Work First case manager to determine that it is a valid program that is suitable for the participant's work goals. The case manager will also evaluate the program's structure for counting participation hours and supervision of the activity.

Hours spent in supervised homework/study situations are countable for the Work Participation Rate. In addition, unsupervised homework/study time may count as part of this activity toward the Work Participation Rate one hour for each hour spent in the classroom. Supervised and unsupervised homework/study time cannot exceed the hours advised or required by the educational institution. The case manager must check with the educational institution to obtain the advised or required hours for homework/study time and document that information in the case record.

In addition to the above, holidays and hours of "Federal Excused" absences for times that the participant would otherwise have been scheduled to participate in this activity are also countable.

1. Documentation

Document actual hours of participation in Job Skills Training directly related to employment by daily attendance reports signed by the instructor(s) who provide(s) daily supervision of the participant. Daily attendance reports must be submitted at least monthly. Electronic reporting via fax or email is acceptable from the provider.

Documentation of actual hours of online learning activities must be maintained in the case record and may be documented by electronic login/log/out print outs or by log-in/log-out reports maintained by the participant. Also, any documentation from online learning courses that estimates the amount of time for completion of an assignment or activity and the participant shows the case manager the completed product from that activity may be used.

If the participant is attending a supervised study/homework arrangement, those hours will be reported by a daily attendance report signed by the person who supervises the study time.

Documentation must be maintained in the case to record the number of hours of unsupervised homework/study allowed for each hour of classroom participation reported. Documentation is needed to identify the required or advised unsupervised homework time recommended by the educational institution. The documentation in the case record must show the total number of hours for unsupervised and supervised homework/study hours reported for the month. The case manager will record, on the Outcome Plan, the total number of homework/study hours

up to the number of required or advised hours in addition to the actual hours in the classroom.

Countable hours are the actual number of hours spent attending classes and in activities that are required as a part of the program, attending supervised study sessions, and unsupervised homework/study time. Holidays and “Federal Excused” absences may also count toward participation when the individual is unable to participate in this activity due to the holiday or excused absence.

2. Supervision:

Educational providers are responsible for daily supervision and are responsible for signing daily attendance reports to reflect actual hours of attendance. The case manager provides supervision and monitoring of the participation based on the daily attendance records provided by the educational institution, class instructor, or study hall monitor.

**I. Education Directly Related to Employment**

Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency, means education related to a specific occupation, job, or job offer. This includes courses designed to provide the knowledge and skills for specific occupations, job, or job offer. Education directly related to employment must be supervised on an ongoing basis no less frequently than daily. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual’s participation.

Online learning programs may be allowed as countable activities. Any online learning program that a participant has interest in will be evaluated on a case-by-case basis by the Work First case manager to determine that it is a valid program that is suitable for the participant’s work goals. The case manager will also evaluate the program’s structure for counting participation hours and supervision of the activity.

GED preparation (classes, testing), Adult Basic Education (ABE), English as a Second Language (ESL), literacy skills, and supportive study activities may count as Education Directly Related to Employment activities if needed for the participant to be employed.

For example, a community college could contract with an employer for a specific educational activity directly related to a specific employment opportunity. This activity is for individuals without a high school diploma or GED. To report hours in this activity, the case manager must verify that the participant does not have a high school diploma or equivalent.

There may be qualified immigrants or refugees who hold a high school diploma from another country that may not be directly comparable with a United States high school diploma. It may be difficult to verify degrees or credentials from another country. On a case-by-case basis, the Work First case manager may determine that this activity is essential to the participant to qualify for employment. If so, the participant would be considered for this work activity.

Unsupervised homework/study time may count as one hour for every hour of classroom time. Supervised and unsupervised homework time together cannot exceed the time advised or required by the educational institution or program. The Work First case manager will determine the amount of time advised or required by the institution or program to ensure the countable homework/study time does not exceed the limit.

1. Documentation

For high schools, document satisfactory attendance by obtaining attendance reports from the school no less often than monthly. Electronic reporting via fax or email is acceptable from the provider.

For activities, other than high school, document actual hours of participation in Education Directly Related to Employment by attendance reports signed by the instructor(s). Attendance reports must be submitted at least monthly. Electronic reporting via fax or email is acceptable from the provider.

Good or satisfactory progress in secondary school will be determined by the educational institution. It is not the responsibility of the Work First case manager to monitor progress.

If the participant is attending a supervised study/homework arrangement, those hours will be reported by a daily attendance report signed by the person who supervises the study time. Documentation must be maintained in the case to record the number of hours of unsupervised homework/study allowed for each hour of classroom participation reported. Also, documentation is needed to identify the required or advised unsupervised homework time recommended by the educational institution. The documentation in the case record must show the total number of hours for unsupervised and supervised homework/study hours reported for the month. The case manager will record, on the Outcome Plan, the total number of homework/study hours up to the number of required or advised hours in addition to the actual hours in the classroom.

Countable hours are the actual number of hours spent attending classes and in activities that are required as a part of the program, attending supervised study sessions, and unsupervised homework/study time.

Holidays and “Federal Excused” absences may also count toward participation when the individual is unable to participate in this activity due to the holiday or “Federal Excused” absence.

2. Supervision

Daily supervision is provided by the program instructor or supervising study monitor. The program instructor and/or the supervising study monitor should sign attendance reports. The Work First case manager provides supervision and monitoring on the participant’s participation based on the daily attendance records provided by the educational institution, class instructor, or study hall monitor.

**J. Satisfactory Attendance at Secondary School or In a Course of Study Leading to a Certificate of General Equivalence (Secondary School or GED Course)**

Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a participant who has not completed secondary school, or received such a certificate means regular attendance in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a participant who has not completed secondary school or received such a certificate. This activity must be supervised on an ongoing basis no less frequently than daily. Daily supervision does not necessarily mean daily contact, but it does mean that a responsible party has daily responsibility for oversight of the individual’s participation.

For example, counties may coordinate with Adult Education programs of local public schools and community colleges to access this resource for participants. Counties may determine that successful completion in this activity will enhance a participant’s employability and increased earnings. This activity is for an individual without a high school diploma or GED.

Online learning programs may be allowed as countable activities. Any online learning program that a participant has interest in will be evaluated on a case-by-case basis by the Work First case manager to determine that it is a valid program that is suitable for the participant’s educational goals. The case manager will also evaluate the program’s structure for counting participation hours and supervision of the activity.

Unsupervised homework/study time may count as one hour for every hour of classroom time. Supervised and unsupervised homework time together cannot exceed the time advised or required by the educational institution or program. The case manager will determine the amount of time advised or required by the

institution or program to ensure the countable homework/study time does not exceed the limit.

This activity may not include other educational activities, such as adult basic education or language instruction unless they are linked to attending a secondary school or GED program. Unlike “education directly related to employment”, this activity is not restricted to those for whom obtaining a GED is a prerequisite for employment.

1. Documentation:

Document satisfactory attendance for high school by obtaining attendance reports from the school no less often than monthly. Electronic reporting via fax or email is acceptable from the provider.

Activities, other than high school, document actual hours of participation by attendance reports signed by the instructor(s). Attendance reports must be submitted at least monthly. Electronic reporting via fax or email is acceptable from the provider.

Good or satisfactory progress in secondary school will be determined by the educational institution. It is not the responsibility of the Work First case manager to monitor progress.

If the participant is attending a supervised study/homework arrangement, those hours will be reported by a daily attendance report signed by the person who supervises the study time. Electronic reporting is acceptable from the provider.

Documentation must be maintained in the case to record the number of hours of unsupervised homework/study allowed for each hour of classroom participation reported. Then, documentation is needed to identify the required or advised unsupervised homework time recommended by the educational institution. The documentation in the case record must show the total number of hours for unsupervised and supervised homework/study hours reported for the month. The case manager will record, on the Outcome Plan, the total number of homework/study hours up to the number of required or advised hours in addition to the actual hours in the classroom.

Countable hours are the actual number of hours spent attending classes and in activities that are required as a part of the program, attending supervised study sessions, and unsupervised homework/study time. Holidays and “Federal Excused” absences may also count toward participation when the individual is unable to participate in this activity due to the holiday or “Federal Excused” absence.

2. Supervision:

Daily supervision is provided by the program instructor or supervising study monitor. The program instructor and/or the supervising study monitor should sign attendance reports. The Work First case manager provides supervision and monitoring of participation based on the daily attendance records provided by the educational institution, class instructor, or study hall monitor.

## **VII. CUSTOM ACTIVITIES**

To become self-sufficient, families may need to participate in activities that do not count in the federal participation rate. Activities that promote self-sufficiency, but do not count toward participation rates, are recorded as Custom Activities.

Custom activities are designed to enhance employability and complement countable federal work activities. There may be some cases where an individual with a disability may only be able to participate in custom activities. In this case, it would be considered a reasonable accommodation. The case manager and family should use the results of any Functional Assessment or other assessments to plan the most promising and timely path to self-sufficiency.

Only the Federal work activities, as defined in policy, count toward the Work Participation Rate.

The following are examples of custom activities that may be used to help participants meet the work requirement and achieve self-sufficiency. Additional activities are allowable depending on county resources and participant needs.

1. Substance Use/Mental Health Treatment (May be countable as Job Readiness).
2. Post-secondary Education. (May be countable as Vocational Educational
3. Training).
4. Other Training.
5. Healthy Family and Relationship Training (May be countable as Job Readiness.
6. Life Skills Development; (problem solving, conflict resolution, decision making)
7. Job Retention and Advancement; and 8. Other activities as identified locally.

When discussing with the participant what activities to schedule, the case manager should consider activities that will enhance the individual's ability to get a job. While the actual completion of certain activities may not be feasible for some individuals within the 24month time limit, it may remain an appropriate activity. It is appropriate for both the

case manager and participant to recognize that life-long learning and improving educational skills is an important long-term goal.

Document participation in custom activities by attendance reports signed by the participant or by attendance reports from the provider(s) of the activity. Electronic reporting via fax or email is acceptable from the provider.

## **VIII. PARTICIPATION RATES**

The performance of the states' TANF programs is evaluated by their Work Participation Rates. There are two federal participation rates that states must meet, Two Parent and All Family. The requirements are different for each of the rates. The participation rates for individual counties are calculated monthly using data acquired from NC FAST Outcome Plans.

### **A. Two-Parent Participation Rate**

States are required to achieve a 90 percent two-parent participation rate.

For a case to be included in the two-parent participation rate, both parents included in the case must be Work Eligible ([See Section 103.](#))

For a case to count in the numerator of the two-parent participation rate, the Work Eligible parents must participate in an average of 35 hours per week in federal countable work activities (55 hours per week if federally funded childcare is provided). Both parents may participate and combine their hours to achieve the required average of 35 per week. The Two-Parent Participation Rate is defined as the number of two-parent families participating in the required number of hours of federal countable work activities divided by the number of two-parent cases that receive cash assistance payments for the report month.

#### **Two-Parent Participation Rate Calculation:**

**Numerator** = The number of two-parent families receiving a Work First payment for the month that complete required hours in federal work activities.

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**Denominator** = The number of two-parent families receiving a Work First cash assistance payment for the month.

### **B. All-Family Participation Rate**

States are required to achieve a 50 percent all-family participation rate. As implied, the all-family participation rate includes both two-parent and single parent families. To count in the participation rate, a Work Eligible participant must complete an average of at least 30 hours per week in federal countable

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work activities as defined in this policy. (The requirement is 20 hours per week for single parents of a child under age 6.)

**All-Family Participation Rate Calculation:**

**Numerator** = Total Work First cases (both single and two parent) where a work eligible participant completes required number of hours in federal countable work activities

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**Denominator** = All families receiving a Work First cash assistance payment that includes a work eligible adult.

**NOTE:** Child only cases and cases where the custodial parent is exempt due to being the single parent of a child under age 1 or a parent needed in the home to care for a disabled household member are excluded from the denominator. The appropriate evidence must be entered in NC FAST.

Two-parent families also count in the numerator of the all-family participation rate if they complete an average of 30 hours per week.

Benefit Diversion cases are not counted in the participation rate calculation.

**C. Number of Hours Required to Count Toward Participation Rates**

To calculate the monthly participation rates, the total number of hours completed in a month is converted to a weekly average. The month of February is considered to have exactly four weeks. All other months are considered to have 4.3636 weeks. For every month, other than February, the monthly total is divided by 4.3636. For February, the monthly total is divided by four. See the following Conversion Charts.

<b>Individual or Family Category</b>	<b>Required Weekly Average</b>	<b>Minimum required monthly hours (For all months except for February)</b>	<b>Conversion for Federal Reporting</b>
Single parent with child under the age of six (6).	20	86*	$86/4.3636 = 19.71$ Round to 20
Single parent with child age six (6) and older.	30	129*	$129/4.3636 = 29.56$ Round to 30

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Two-parent family without federally funded childcare	35	151*	151/4.3636=34.60 Round to 35
Two parent family-with federally funded childcare	55	238*	238/4.3636=54.54 Round to 55

<b>Individual or Family Category</b>	<b>Required Weekly Average</b>	<b>Minimum required monthly hours for February</b>	<b>Conversion for Federal Reporting</b>
Single parent with child under the age of six (6).	20	78*	78/4 = 19.5 Round to 20
Single parent with child aged six (6) and older.	30	118*	118/4= 29.50 Round to 30
Two-parent family-without federally funded childcare	35	138*	138/4= 34.50 Round to 35
Two parent family-with federally funded childcare	55	218*	218/4 = 54.50

These numbers are accurate when all the hours are in a single activity. Federal reporting requirements specify that each activity be converted separately and then add the average of each activity together. Because of rounding, there are situations where the numbers in the chart above will not produce the 20, 30, 35, or 55 weekly averages. It is recommended, where allowable, to schedule a few additional hours of participation to the required hours. This will help, in the event, a participant misses' hours due to an unforeseen circumstance, a holiday that is not countable or fluctuations due to the calculation process.

**EXAMPLE:** A two-parent case has one parent in Vocational Educational Training completing 28 hours and 110 in employment. The other parent has 15 hours in Vocational Educational Training.

**Incorrect calculation:**

28 Vocational Educational Training hours +110 employment hours + 15 Vocational Educational Training hours=153 divided by 4.3636=35 hours per week.

Using this method indicates the case would count in the work participation rate; this process is incorrect.

**Correct Calculation:**

28 Vocational Educational Training hours divided by 4.3636=6.4 (round down to 6) + 110 employment hours divided by 4.3636=25.2 (round down to 25) + 15 hours Vocational Educational Training divided by 4.3636=3.4 (round down to 3)

6 Vocational Educational Training) +25 (employment) +3 (Vocational Educational Training) =34 hours per week.

**This case would not count in the two-parent rate.**

**D. Reporting Participation**

Each Work Eligible participant is responsible for ensuring that all participation is reported properly to the Work First employment case manager. The MRA-B has a block that participants initial to acknowledge this responsibility.

If the participant has a disability and needs assistance with complying with the reporting requirements because of the disability, reasonable accommodations must be made and documented in the case narrative.

All hours of participation reported must be documented in the case record. Participation in the above-described activities is recorded on the Outcome Plan.

For instructions for creating and managing outcome plans, refer to training webinars in the NC FAST Learning Gateway.

The following items merit special attention as they are important to helping counties meet their goals:

1. Excused/ Federal Excused Absences:

For all **unpaid** work activities, excused absences may be allowed when a participant:

- Has a sick child who needs medical attention or too sick to go to childcare or school.
- Is required to appear in court.
- Needs to attend a conference at a child's school.
- Needs to attend appointments with service providers, such as the Food and Nutrition Services agency, child support services, mental health, health department, etc.
- Is unable to attend the scheduled activity due to inclement weather.
- Is sick.
- Has had a death in the immediate family.
- Has an unexpected interruption in childcare or transportation.

An immediate family member is defined as a spouse/partner, mother/father, brother/sister, and grandparent/great-grandparent. This includes biological, adoptive, step, in-law, Loco Parentis (a person who is in the position or place of a parent) and daughter/son. A child includes biological, adoptive, foster, step and legal ward.

The case manager may accept the participants' statement of the reason unless the statement is questionable. Additional verifications such as statements from licensed Health Care Professionals may be required on a case-by-case basis.

Document the dates and reasons for excused absences on the Excused Absence Log, ([DSS-5309](#)), and maintain the log in the case record.

2. Recording Excused/ Federal Excused Absences on the Outcome Plan

When an Outcome Plan shows that an activity was scheduled and attendance has not been entered in the Outcome Plan, an explanation is required. If the participant did not complete the activity, the participation may be left blank. A note must be added to the case narrative to explain what action was taken, such as efforts to obtain the information from the participant. If a payment was issued, the case narrative must explain the good cause reason for issuing a payment without documentation of participation.

When the participant misses an activity, and provides an excuse that the worker considers valid, the excused absence can be entered in the NC FAST Outcome Plan Participation Folder with entries of "Excused" or "Federal Excused." "Federal Excused" means the hours are to be counted as federal countable hours.

- a. "Excused" means the worker accepts the excuse provided as reasonable.
- b. "Federal Excused" - TANF rules allow states to report a limited number of excused absences as countable hours toward participation rates, as if the person had completed the activity. This benefits the states by limiting the negative affect that unavoidable absences have on participation rates.
  - 1. These countable excused hours are in the dropdown list for absence as "Federal Excused."
  - 2. The countable hours are limited to 16 hours per month and 80 hours per twelve- month period for each individual participant.

3. The 16 hour per month and 80 hours per year limits are tracked in NC FAST. An error message will display if excess hours are entered.

When entering excused hours, the worker should evaluate if the hours need to be entered as “Federal Excused” (countable) to improve the participation rate. If the person has completed enough countable hours to be in the numerator of the participation rate, the excused hours should not be entered as “Federal Excused”. If the hours are not needed to improve the participation rate, the worker should choose “Excused” from the dropdown list for “Absence Reason”.

Utilizing “Federal Excused” hours should only occur if their addition to the already completed hours allows the participant to count in the participation rate. The case narrative must support the decision for the case actions.

3. Holidays

If a work activity is closed for a holiday, participants can be credited with completing the number of hours they had scheduled on the following ten holidays. No other holidays are countable. These holidays must be entered in the NC FAST Outcome Plan Participation folder as “Authorized Holiday” hours. “Authorized Holiday” is found in the dropdown list for “Absence Reason”.

- New Year’s Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- July 4th
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

**NOTE:** If New Year’s Day, July 4<sup>th</sup>, Christmas Eve or Christmas Day fall on a weekend day, either the Friday before and/or the Monday after the weekend may be substituted for the Holiday. This only applies if the participant was scheduled to participate in the activity and could not because of the holiday.

4. **Keying Countable Job Search/Job Readiness Hours**

Federal TANF rules allow states to decide on a case by case and day to day basis whether to use Job Search and Job Readiness activities as federal countable or non-countable.

Instructions can be found in the outcome plan webinars in the NC FAST Learning Gateway on how to create two separate actions for Job Search and Job Readiness, one for countable and the other for non-countable hours.

When two separate actions are used in NC FAST, the total number of hours entered for Job Search and Job Readiness for a month must add up to the total documented on the logs or time sheets for the activity.