

1-005 Worker Responsibilities: The worker has the following responsibilities.

1-005.01 Duties at Initial Application or Redetermination: At the time of initial application and redetermination, the worker must:

1. Allow anyone who requests assistance to complete an application;
2. Give an explanation of the program requirements;
3. Collect and review the information entered on the application form;
4. Explain the eligibility and payment factors and how changes will affect eligibility and payment;
5. Explain the eligibility and payment factors that require verification;
6. Obtain the client's written consent for the needed verifications;
7. Explore income that may be currently or potentially available such as RSDI, SSI, veteran's assistance benefits (VA), etc.;
8. Give information about the social and other financial services available through the agency, such as social services; HEALTH CHECK; family planning; NMAP; and AABD;
9. Inform the client about his/her rights and responsibilities (see 468 NAC 1-006 and 1-007);
- ~~10. Inform the client of the family cap provision (see 468 NAC 2-007.01);~~
44. 10. Inform the client that s/he must show his medical card to all providers and must inform the worker of any health insurance plan, any individual(s), or any group that may be liable for the client's medical expenses;
42. 11. Explain the assignment of third party medical payments and the requirement to cooperate in obtaining third party medical payments and refund any payments received directly;
43. 12. Inform the client of the requirement to participate in the Nebraska Health Connection, if applicable (see 468 NAC 4-012);
44. 13. Complete necessary reports and information forms;
45. 14. Act with reasonable promptness on the client's application for assistance;
46. 15. Provide adequate notice to the client of:
 - a. Approval for a grant and the amount;
 - b. Approval for medical assistance;

- c. Rejection of the application and the reason; or
- d. Confirmation of the client's voluntary withdrawal;
- 17. 16. Explain the minimum payment (see 468 NAC 3-003); and
- 18. 17. Explain the appeal process (see 465 NAC 2-001.02).

{Effective }

1-005.02 Continuing Responsibilities: The worker has the continuing responsibility to:

- 1. Provide adequate notice of any action affecting the client's assistance case (see 468 NAC 1-009.03C to determine if timely notice is necessary);
 - 2. Treat the client's information confidentially. See 468 NAC 1-005.02A for disclosure of information regarding a fugitive felon;
 - 3. Uphold the client's civil rights;
 - 4. Inform the client when his/her case is closed that s/he has the right to reapply;
- and
- 5. Consider the client's eligibility for medical assistance and child care when s/he becomes ineligible for a grant.

1-005.02A Disclosure of Information Regarding Fugitive Felon: If a local or state law enforcement officer provides the recipient's Social Security number and verification that the recipient is a fugitive felon, a worker may disclose, with the approval of the local administrator, the name and current address of an ADC grant client. Information must not be released for ADC/MA only or MA with SOC.

1-005.02B Development of Self-Sufficiency Contract: The Employment First case manager has the responsibility to work with the client to develop and complete an Employment First Self-Sufficiency Contract ~~within 15 working days from the date the family is determined eligible to receive ADC cash assistance.~~ The Self-Sufficiency Contract must be developed and signed before the family's ADC eligibility can be determined.

If the client fails to cooperate, see 468 NAC 2-010.

{Effective }

Any individual born in the United States is considered a U.S. citizen. This includes children whose parents are not U.S. citizens, such as undocumented alien parents, parents with student visas, or parents with lawful temporary residence status. A pregnant woman who is not a legal alien may receive assistance for her unborn if all other eligibility requirements are met.

Receipt of SSI, SSDI, or Medicare is sufficient proof of citizenship or lawfully admitted alien status.

An initial application cannot be approved until citizenship or alien status is verified. Assistance for a U.S. citizen in an ongoing case must not be discontinued while awaiting verification as long as the client is cooperating in providing documentation. If the client is not cooperating in providing documentation, the client must be closed.

{Effective }

2-002.01 Verification of Alien Status: When a parent/individual states that one or more of the children for whom assistance is being requested is an alien, the worker must require the client to present verification for each alien child.

2-002.02 Repatriation Program: The Repatriation Program provides temporary assistance, care, and treatment for up to 90 days for U.S. citizens or dependents of U.S. citizens who have returned from foreign countries. To qualify for repatriation assistance, the individual must be returned from a foreign country because s/he is destitute or ill (including mentally ill) or because of war, threat of war, or a similar crisis. A request must be made by the State Department to the U.S. Department of Health and Human Services to receive the individual in the United States and to provide the necessary care, treatment, and assistance.

2-006.07E Joint Physical Custody: In a household where both parents are not continuously present, the worker must determine if both parents are present to the extent that the income and resources of both parents must be used in the eligibility determination and the needs of both included in the unit. This policy applies when the non-custodial parent has sufficiently frequent contact with the child(ren) so that the normal parental roles of providing guidance, physical care, and maintenance have not been interrupted. In addition, this policy applies when there is joint physical (shared) custody where the physical custody of the child(ren) is split between both parents. This can be either on a scheduled basis as included in a divorce decree or on an informal basis agreed to by both parents.

2-007 Age Requirement for a Dependent Child: The following are included in the definition of a dependent child:

1. Age 0 through 17 - For receipt of an ADC grant, an individual is considered a dependent child beginning with the first day of the mother's third trimester of pregnancy through the month of the child's 18th birthday. ~~See 468 NAC 2-007.01 for family cap provisions.~~ The case record must contain a pregnancy verification. For medical eligibility of the unborn, see 468 NAC 4-001.01B.

Note: If the child is born before the month of the expected due date, there is no underpayment. If the child is born after the month of the expected due date, there is no overpayment.

School attendance is not an eligibility factor; however, a dependent child age 16 or older who is not a full-time student must participate in Employment First (see 468 NAC 2-020 ff.).

If the parent needs child care to accept or retain employment or to participate in an education or training activity that is not connected with Employment First, see 468 NAC 2-007.04.

{Effective 12/27/97}

2. 18 Years - A child is eligible through the entire month of his/her 19th birthday if s/he is:

- a A full-time student regularly attending a secondary school or the equivalent level of vocational or technical training (this does not include college); or

- b Participating in an Employment First component.

An 18-year-old is eligible through the month of graduation from high school or the equivalent level of vocational or technical training.

If an 18-year-old who is not in school or participating in EF has a medical need, see 477 NAC 3-000 and 4-000.

~~2-007.01 Family Cap Unit Size:~~ The ADC grant unit size is based on the number of eligible family members in the family unit at the time the Self-Sufficiency Contract is signed. The unit will be revised to include children already conceived at the time of ADC application but born after the contract is signed. No additional ADC cash benefit will be issued to an ADC case due to the birth or anticipated birth of a child when the birth occurs or is expected to occur more than ten calendar months after the Self-Sufficiency Contract is signed.

~~The income received on behalf of such excluded children, e.g., child support, Social Security, etc., will not be counted in determining the ADC payment.~~

~~Such children are considered a part of the family in determining eligibility for Medicaid, Food Stamps, child care, and other programs.~~

See 468 NAC 3-006 for filing unit requirements.

With the exception of those situations listed at 468 NAC 3-006, the needs of all eligible parents and their dependent children must be included in the ADC unit. Also see 468 NAC 2-006.05.

{Effective }

~~2-007.01A Exceptions to the Family Cap:~~ The family cap does not apply:

- ~~1. To children who enter the ADC household after the tenth month following signing of the Self-Sufficiency Contract but who were born before that period; for example, children returning from foster care or from the care of another. Payment will be adjusted to account for these children unless the cap was or would have been applied at the time of the child's birth.~~
- ~~2. If the additional child was conceived as a result of incest or sexual assault as verified by a physician's statement or police records. For a victim of domestic violence, verification may be obtained from a domestic violence program representative.~~
- ~~3. To children who are the first born (including all children in the case of a multiple birth) of minors included in an ADC grant who became first-time minor parents.~~
- ~~4. To children born after the tenth month following signing of the Self-Sufficiency Contract when the child's mother has been determined to be disabled as evidenced by receipt of SSDI or SSI due to disability, or has been incapacitated for at least 12 months. In the case of a two-parent household, both parents must meet the disability requirement for this Family Cap exception to apply.~~

~~If the family cap is applied to a child and at some point in the future the caretaker relative of that child is determined to lack the capacity to work, the Family Cap provision will no longer apply beginning at the date of the determination of incapacity forward. If the determination of incapacity is a retroactive determination, the child will be eligible for retroactive ADC payments going back to the date of the determination of incapacity.~~

{Effective 5/8/05}

~~2-007.01B Case Closed and Reopened: If a family has a child within the time period listed in 468 NAC 2-007.01, has their case closed and reapplies, the excluded child may be included in the unit if the grant case has been closed for at least six months.~~

~~Similarly, if a child born subject to the family cap goes to live with another specified relative (except in the case of foster care), that child cannot receive assistance with the specified relative, guardian, or conservator for six months.~~

~~{Effective 12/27/97}~~

2-007.02 Minor Parent: If a minor parent has a legal guardian, according to Nebraska law the guardian has no financial responsibility for the minor.

2-007.02A Minor's Parent(s) Receiving ADC/MA: If a minor parent is living with his/her parent(s) who is receiving ADC/MA for another child, the minor parent must be in his/her parent(s)' unit. If assistance is received for the minor's child, that child must also be in the parent(s)' unit.

An 18-year-old minor parent who is not in school or vocational training must participate in EF and remains a dependent child (see 468-000-305).

If the grandparent (minor parent's parent) has a share of cost, see 468-000-303 for budgeting instructions.

When a minor parent becomes emancipated (see 468 NAC 1-004), graduates from secondary school at age 18, or reaches age 19, s/he and his/her child become a separate unit.

Note: The family is not required to receive medical assistance for the minor's child. If they want to apply for one of the children's Medical Assistance Programs for the minor's child, see Title 477.

2-009.07 Intercepted, Withheld, or Garnished Income: Procedures have been set up to withhold unemployment compensation benefits payable to an absent parent when s/he has a debt to the State. If income, earned or unearned, is being garnished, the garnishment is not deducted from income in the budgeting process. If unearned income is being reduced because of a previous overpayment, the amount of the benefit before the deduction of the overpayment is considered as income.

Exception: The amount after deduction of the overpayment is used if the client received both ADC/MA and the other benefit at any time during which the overpayment occurred and the overpaid amount was included in the ADC/MA budget.

~~2-010 Noncooperation in Development of Self-Sufficiency Contract: If a client does not cooperate in developing and completing an Employment First Self-Sufficiency Contract within 15 working days from the date the family is determined eligible to receive ADC cash assistance, As a condition of eligibility for an ADC payment, a client determined to be subject to Employment First participation must complete his/her Employment First Self-Sufficiency Contract before the family can be determined eligible to receive ADC cash assistance. If a client does not cooperate in developing and completing an Employment First Self-Sufficiency Contract, the family is ineligible for ADC cash assistance and the adult(s) is ineligible for medical assistance.~~

~~For procedures if the client does not cooperate, see 468-000-354.~~

{Effective }

2-011 – 2-013 (Reserved)

2-014 Supplemental Payments: Supplemental payments are allowed for:

1. Late checks for payments authorized after cutoff;
2. Payments issued because of the addition of another person to the unit; and
3. Payments issued within the same payment month to make up for an underpayment. When an individual is added, s/he is treated as a new applicant and must meet all eligibility factors. See 468 NAC 2-015 for budgeting procedures.

2-015 Budgeting Procedures: ADC cases are budgeted prospectively. When income fluctuates, the worker must use an average of income for the three most recent consecutive months. When income is stable, the worker must use one month's income.

2-019.05B2c Delay of Assistance Pending Determination: The agency may not deny, delay, or discontinue assistance pending a determination of good cause as an exception to the cooperation requirement if the client has complied with the requirements of providing acceptable evidence or other necessary information. In most instances, a good cause determination must be made within 30 days following the receipt of a claim.

2-019.05B2d Third Party Payments Received Directly: Regardless of the existence of a good cause claim, any third party medical payment that is received directly by the client must be reimbursed to the Department or paid to the provider.

2-019.05B3 Sanction for Refusal to Cooperate: Upon receiving notification from ~~the IV-D unit on Form CSE-10~~ Child Support Enforcement that the individual refused to cooperate, the case manager must reduce the ADC grant by 25 percent and remove the individual's needs from the medical unit.

Note: If the individual is age 18 or younger, medical assistance cannot be closed until the end of his/her initial six months of continuous eligibility.

If the minor parent is in the unit of his/her parent, the minor's parent is responsible for cooperating in obtaining support for the minor's child. The payee is sanctioned if s/he or the minor does not cooperate. There is no sanction for non-cooperation of a relative payee or guardian or conservator payee.

For Employment First requirements, see 468 NAC 2-020.09B2b.
{Effective }

2-020 Employment First (EF) Self-Sufficiency Program: The primary purpose of Employment First is to provide temporary, transitional support for Nebraska families so that economic self-sufficiency is attained in as expeditious a manner as possible through the provision of training, education and employment preparation. ~~will lead the client to economic self-sufficiency. in a maximum of two years.~~

{Effective }

2-020.01 Mandatory Participation: All individuals who are defined as a "work-eligible individual" are required to participate in the Employment First program.

1. A work-eligible individual is:
 - a. An adult receiving ADC cash assistance;
 - b. A minor parent who is the head-of-household or the spouse of the head-of-household receiving ADC cash assistance;
 - c. A non-recipient parent living with his/her a child(ren) receiving ADC cash assistance and whose needs are not included in ~~were removed from~~ the ADC budget with a reason of:
 - (1) Child Support sanction;
 - (2) Convicted drug felon;
 - (3) Third Party Medical sanction;
 - (4) Intentional Program Violation (IPV) sanction;
 - (5) Fleeing felon;
 - (6) Social Security Number (SSN) sanction; or
 - (7) Misrepresenting ~~Identity~~ Residence sanction;
 - ~~d. A dependent child age 16, 17, or 18 who is not a full-time student nor regularly attending an elementary or secondary school, or the equivalent level of vocational or technical school; or~~
 - ~~e. A dependent child age 16 or 17 who is not a full-time student nor regularly attending college.~~
2. Excluded from the definition of a work-eligible individual is:
 - ~~a. A child who is age 15 or younger (including an emancipated minor);~~
 - ~~ba.~~ A minor parent who is not the head-of-household or the spouse of the head-of-household;
 - ~~eb.~~ An individual who is ineligible to receive ADC cash assistance due to his or her immigration status;
 - ~~ec.~~ A parent providing care for a disabled family member living in the home who does not attend school on a full-time basis (for exemption criteria, see 468 NAC 2-020.02 #4); and
 - ~~ed.~~ Individuals in families receiving assistance under an approved Tribal TANF program; and
 - ~~e.~~ A parent who is not receiving ADC cash assistance due to receipt of SSI.

For TANF work program information, see 468-000-351.

{Effective }

2-020.01A Minimum Hours of Participation: Only actual hours of participation can count towards the minimum number of hours of participation required in approved EF component activities.

Exception: For information on approved state holidays and limited excused absences that can count as actual hours of participation towards the time an individual is scheduled to participate in the component activity(ies) assigned to him/her, see 468-000-307.

For a list of core and non-core component activities, see 468 NAC 2-020.07.

{Effective }

2-020.01A1 Single-Parent Families: An individual is required to participate a minimum of 30 hours per week in approved EF component activities. An individual counts as engaged in the minimum number of hours required for a month if s/he participates in approved EF component activities during the month for at least an average of 30 hours per week. At least 20 hours per week must come from participation in core activities. Above 20 hours per week can come from non-core activities.

{Effective 12/02/2006}

2-020.01A2 Two-Parent Families: Two-parent families are required to participate a minimum of 35 or 55 combined hours per week, depending on whether they receive federally funded child care. Participation must be in approved EF component activities. A two-parent family counts as engaged in the minimum number of hours required for a month if the parents participate in approved EF component activities during the month for at least an average of 35 or 55 combined hours per week. For a two-parent household, not receiving federally funded child care, at least 30 hours per week must come from participation in core activities. Above 30 hours a week can come from non-core activities. For a two-parent household receiving federally funded child care, at least 50 hours per week must come from participation in core activities. Above 50 hours a week can come from non-core activities.

Note: A two-parent family with one parent who qualifies for exemption 2a, or 2b, or 4 in 468 NAC 2-020.02 must be considered a single-parent family for purposes of determining the minimum hours of participation.

~~For information on approved state holidays and limited excused absences that can count as hours of participation towards the component activity(ies) assigned to the individual, see 468-000-307.~~

~~For a list of approved core and non-core activities, see 468 NAC 2-020.07.~~
{Effective }

2-020.01A3 Special Rule for Minor Parents: A minor parent who is married or a single head-of-household and is maintaining satisfactory full-time attendance at a secondary school or the equivalent during the month, or participating in the Education Directly Related to Employment component for an at least an average of at least 20 hours per week during the month, counts as engaged in the minimum number of hours required for the month.

If both minor parents in a two-parent household, who are married, are maintaining satisfactory full-time attendance at a secondary school or the equivalent during the month, or participating in the Education Directly Related to Employment component for an at least an average of at least 20 hours per week during the month, they count as engaged in the minimum number of hours required for the month.

Note: This special rule also applies to dependent children who are required to participate in the Employment First program.
{Effective }

2-020.01A4 Caretaker with a Child at Least Between 12 Weeks but No More Than and 6 Months Years of Age: A single custodial parent, or needy caretaker relative, guardian or conservator of a child age 12 weeks to 6 months must whose youngest child is at least 12 weeks but under 6 years of age is required to participate in EF on a part-time basis a minimum of (20 hours per week) in individually determined activities which may include, but are not limited to, job readiness or educational activities approved EF component activities. An individual is deemed to be engaged in the minimum number of hours required for a month if s/he participates in approved EF component activities during the month for at least an average of 20 hours per week. At least 20 hours per week must come from participation in core activities. Only one parent in a two-parent household can participate in EF on a part-time basis. The second parent must participate in EF on a full-time basis. For information on time limits, see 468 NAC 2-020.010B1.

{Effective }

2-020.02 Exemptions from Employment First: The following individuals are not required to participate in EF component activities.

1. A dependent child age 16, 17, or 18 who is a full-time student and regularly attending an elementary or secondary school, or the equivalent level of vocational or technical school; or a dependent child age 16 or 17 who is a full-time student and regularly attending college. For more information, see 468 NAC 2-007.

Note: If the child is enrolled full time for the next school term, s/he is exempt and the case manager must verify the child's attendance in the first month of the school term. If the child quits school, s/he loses this exemption and does not regain it even if s/he returns to school.

2. A person who:
 - a. Has an illness or injury serious enough to temporarily prevent the individual from entering employment or participating in another EF component activity(ies) for up to three months. The illness or injury must be evaluated in the context of activities available through the Employment First program.

For procedures on making a decision on short-term exemptions and making a referral to SRT, see 468-000-336.

The individual becomes non-time limited for the period of time s/he qualifies for ~~the~~ this temporary exemption.

- b. Is incapacitated with a medically determinable physical or mental impairment which, by itself or in conjunction with age, prevents the individual from entering employment or participating in another EF component activity(ies) and which is expected to exist for a continuous period of at least three months. The incapacity must be evaluated in the context of activities available through the Employment First program.

For procedures for determining incapacity and making a referral to SRT, see 468-000-336.

The individual becomes non-time limited for the period of time s/he qualifies for ~~the~~ this exemption.

The case manager must develop an individualized service plan with the individual who qualifies for exemption 2a or 2b, see 468 NAC 2-020.02D.

3. A person age ~~60~~ 65 or older. This individual ~~would be placed in the non-time limited group~~ is no longer subject to the time limit.

4. A parent who is needed in the home on a continuous basis to provide care for a disabled family member living in the home who does not attend school on a full-time basis and no other appropriate member of the household is available to provide the needed care. The need for such care must be supported by a signed statement from a licensed medical professional. The disability of the family member being cared for should be evaluated periodically, depending on the diagnosis and prognosis for recovery in order to determine if the parent is still needed in the home to provide care.

The individual that meets this exemption criteria becomes non-time limited for the period of time s/he qualifies for ~~the~~ this exemption.

5. A parent or needy caretaker relative, guardian or conservator of a child under the age of 12 weeks is not required to participate in EF and would be ~~temporarily placed in the non-time limited group~~ non-time limited for the period of time s/he qualifies for this exemption. This exemption can be extended if a written statement from the attending physician states that the parent requires additional postpartum recovery time, or special medical conditions of the child require the presence of at least one parent or needy caretaker relative, guardian, or conservator.

In an ADC unit composed of a grandparent, a minor parent, and the minor's child, only the minor parent is eligible for this exemption. Only one parent in a two-parent household can qualify for this exemption.

6. A pregnant woman beginning the first of the month before the month of the mother's due date. ~~with the third trimester (month 6).~~ ~~She would be temporarily placed in the non-time limited group.~~ ~~This also applies to a woman who is pregnant with a child who will not be added to the ADC unit.~~ ~~See 468 NAC 2-007.01.~~ The individual becomes non-time limited for the period of time she qualifies for this temporary exemption.

7. A single custodial parent who is unable to participate because s/he cannot obtain child care for his/her child age five or younger for one or more of the following reasons:
 - a. Unavailability of appropriate child care within a reasonable distance from the client's home or work site;
 - b. Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
 - c. Unavailability of appropriate and affordable formal child care arrangements.

It is the client's responsibility to prove that s/he cannot obtain child care. For the definition of the reasons, see 468 NAC 2-020.02A.

The individual becomes non-time limited for the period of time s/he qualifies for ~~the~~ this exemption.

8. A victim of domestic violence. A victim of domestic violence is defined as someone who is battered or subject to extreme cruelty. For an individual to qualify for this exemption, the case manager must determine that participation in EF would make it more difficult for the individual to escape domestic violence, would penalize the individual, or would put him/her at risk of further domestic violence. For more information, see 468 NAC 2-020.02C.

The individual becomes non-time limited for the period of time s/he qualifies for ~~the~~ this exemption.

The case manager must develop an individualized service plan with the individual who qualifies for this exemption, see 468 NAC 2-020.02D.

The ADC record must contain documentation to substantiate the decision on each individual's exempt status.

An individual becomes mandatory to participate in the Employment First program the first of the month following the month in which s/he no longer qualifies for an exemption.

A Self-Sufficiency Contract must be developed, or a new Service Plan developed, whichever is appropriate, within 15 working days from the date the individual becomes mandatory to participate in Employment First.

{Effective }

2-020.02A Definitions for Exemption Number 7: For the purposes of the exemption listed in number 7 in 468 NAC 2-020.02, the following definitions apply:

Affordable child care: Care at no cost to the client.

Appropriate child care: Care that is or can be licensed or approved by DHHS.

Reasonable distance: A round trip of two hours or less from home to the site of child care. If a normal round trip commuting time in the area is more than two hours, that is considered the generally accepted community standard.

Unsuitability of informal care: Unpaid care or personally arranged care by a friend or relative that would be unsafe or harmful to the child.

{Effective 12/02/2006}

2-020.02B Review of Exempt Status: The case manager must review the exempt status:

1. At the time of redetermination of eligibility for ADC;
2. When the case manager becomes aware of a change which may affect exempt status; or
3. Within 30 calendar days of a request by the client or another case manager to reconsider "mandatory" status.

{Effective 12/02/2006}

2-020.02C Victims of Domestic Violence: For the purposes of the domestic violence exemption, an individual is considered to be battered or subjected to extreme cruelty if s/he has been subjected to:

1. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
2. Sexual abuse;
3. Sexual activity involving a dependent child;
4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
5. Threats of, or attempts at, physical or sexual abuse;
6. Mental abuse;
7. Neglect or deprivation of medical care; or
8. Stalking.

In order to qualify for the exemption, the individual must have an assessment for domestic violence. There must be verification of the domestic violence from such sources as a domestic violence/sexual assault program representative; police records; child protective service records; court records; or a statement or report from a licensed physician, certified psychologist, or licensed mental health practitioner.

The case manager must refer the individual for counseling and appropriate services.

The time limit ~~and family cap (in the case of incest or sexual assault)~~ may be waived and the individual ~~may be placed in the non-time limited group~~ becomes non-time limited for up to six months. The exemption must be reassessed at least every six months or sooner depending on the service plan, and the exemption may be extended beyond six months, if necessary.

All EF participants must be screened for domestic violence.

{Effective }

2-020.02D Service Plan: The case manager must develop an individualized service plan with an individual who qualifies for exemption 2a, 2b, or 8 in 468 NAC 2-020.02. The service plan outlines the steps necessary to overcome the individual's barriers to work and/or participation in other EF component activities. If the individual fails to follow the service plan without good cause, s/he loses the exemption, becomes mandatory for EF participation, and returns to time-limited status.

{Effective 12/02/2006}

2-020.03 Voluntary Participation: An individual who qualifies for an exemption from participation in EF may elect to volunteer to participate in the EF program. The time limit does not apply until the individual no longer qualifies for an exemption.

Any resulting failure to participate in the activities agreed upon in the Self-Sufficiency Contract would restrict the individual from participating as outlined in 468 NAC 2-020.09B2f(5) and depending on his/her status s/he may be subject to a sanction.

Note: The case manager must notify a voluntary participant if s/he becomes mandatory.

{Effective 12/02/2006}

2-020.04 Orientation: Orientation to Employment First may be accomplished in two phases. The first phase may be performed at the time of application for ADC cash assistance. The case manager highlights the responsibilities that the client will be expected to fulfill if s/he becomes eligible for ADC cash assistance.

The second phase of orientation to Employment First is done as an introduction to the comprehensive assets assessment. It occurs when the individual's exempt, mandatory or voluntary status is known. The family must receive detailed information on all EF requirements, program expectations, participation options, services, and time limits.

{Effective 12/02/2006}

2-020.05 Assets Assessment: The client must participate in agency and/or vendor-provided assessment(s) designed to provide a framework for self-sufficiency planning. The purpose of assessment is to gather and organize information about the client's skills, aptitudes, strengths, interests and family circumstances. Assessment must be conducted when a participant's circumstances change, when s/he is not able to continue forward movement in his/her Self-Sufficiency Contract activities, or at any time the case manager and/or the participant determines it is necessary.

For the EF Screening and Assessment Guide, see Form WP-10 (PAF 15-4).

{Effective 12/02/2006}

2-020.05A Refugees Receiving ADC: For refugees receiving ADC cash assistance in counties with a refugee resettlement agency or a contracted or volunteer organization that works with refugees, the case manager must coordinate with the resettlement agency and/or the contracted or volunteer organization to develop the Self-Sufficiency Contract. All other provisions of EF apply to the refugee ADC recipient.

{Effective 12/02/2006}

2-020.06 Self-Sufficiency Contract: ~~When the Self-Sufficiency Contract is signed, the 24-month time limit on the receipt of ADC cash assistance begins, effective the month following the month in which the Self-Sufficiency Contract is signed. The Self-Sufficiency Contract must be developed, completed, and signed within 15 working days from the date the family is determined to be eligible to receive ADC cash assistance.~~

Based on the results of assessment, the case manager and the client will develop an individualized Self-Sufficiency Contract. The Self-Sufficiency Contract should stress urgent action toward economic self-sufficiency. The Self-Sufficiency Contract will identify the goals to be achieved and will include time lines and benchmarks that facilitate forward momentum. Each mandatory adult and minor parent will outline his/her path to achieving economic self-sufficiency. The responsibilities, roles, and expectations of the client, the case manager, the Department, and all other service providers must be detailed in the Self-Sufficiency Contract. Final approval of the Self-Sufficiency Contract is a responsibility of the Department.

The Department's responsibilities must be listed as measurable and clear. In every Self-Sufficiency Contract, there must be included (but not limited to) the following Department responsibilities, including when and how each will be provided: components under 468 NAC 2-020.07, child support enforcement activities, medical assistance, and allowable supportive services needed to fulfill the Self-Sufficiency Contract.

Since the Self-Sufficiency Contract evaluation is a continuous process, with the case manager involved in evaluating all strengths and resources of the family, all factors that would have bearing on the ADC cash assistance redetermination process will be known to the case manager. Therefore, a full redetermination will not be needed more than once every six months.

The Self-Sufficiency Contract is to be used as a flexible tool. If the participant is not achieving progress in his/her Self-Sufficiency Contract, it should be evaluated and changed accordingly. Adjustments to the goals, components, or scheduled activities within components may be necessary as a result of changes in labor market conditions, or a variety of individual circumstances.

The Self-Sufficiency Contract is a legal, binding document to be signed by the individual and by the case manager representing the Department. By signing the Self-Sufficiency Contract, the client signifies his/her agreement with the terms and conditions of the Self-Sufficiency Contract.

{Effective }

2-020.07 Components: Components make up the menu of activities that the participant and case manager choose from when developing the Self-Sufficiency Contract. Activities that the participant engages in should build on his/her strengths, help to remove barriers to self-sufficiency and prepare him/her for entry into the labor market. Successful completion of activities within the components should build momentum and forward movement toward the achievement of the participant's vocational goal and eventual self-sufficiency.

1. Core activities: At least 20 hours per week must come from participation in core activities. The component activities from which at least 20 hours per week of participation must come are:
 - a. Unsubsidized Employment;
 - (1) Microbusiness Enterprise;
 - (2) Apprenticeship;
 - b. Subsidized Private or Public Sector Employment;
 - c. Work Experience;
 - d. On-the-Job Training;
 - e. Job Search/Job Readiness;
 - f. Community Service;
 - g. Vocational Training;
 - h. Providing Child Care Services to an Individual Who Is Participating in a Community Service Program; and
 - i. Post-Secondary Education.

Note: For a two-parent household, at least ~~25~~ 30 or 50 combined hours per week ~~per individual~~ must come from participation in core activities, depending on whether they receive federally funded child care.

2. Non-Core activities: Non-core activities cannot count towards participation hours without at least 20 hours a week coming from participation in core activities. Above 20 hours per week in a core activity(ies), the following component activities may count towards participation:
 - a. Job Skills Training Directly Related to Employment;
 - b. Education Directly Related to Employment; and
 - c. Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence.

A participant may participate in one or more core activities at a time or a combination of core and non-core activities at the same time in order to comprise full-time participation. The case manager will reflect each component activity as a separate element in the Self-Sufficiency Contract.

Participation in component activities must be supervised. Participation hours must be tracked, documented and verified. For the requirements, see 468-000-307.

{Effective }

2-020.07A Unsubsidized Employment: The employment may be full or part-time in the public or private sector and is not subsidized by TANF or any other public program. Employment must consist of work for pay. Pay must not be less than either the state or federal minimum wage ~~or the state's minimum wage~~, whichever is higher.

{Effective }

2-020.07A1 Microbusiness Enterprise: When a microbusiness enterprise is included in the Self-Sufficiency Contract, the client should be referred to an entrepreneurial assistance program. In order for the Self-Sufficiency Contract to contain this component activity, an assessment of the likelihood of business success must be obtained and benchmarks established to assess measurable progress, including profits and continued likelihood of achieving economic self-sufficiency within the individual's time limits.

For counting hours of participation for microbusiness enterprise and self-employment, see 468-000-307.

{Effective 12/02/2006}

2-020.07A2 Apprenticeship: An apprenticeship may be applied for and entered into with a trade organization. An individual participating in an apprenticeship must complete the program and be fully employed in the trade within the individual's ~~24-month~~ time limit. An apprenticeship program cannot be included in the Self-Sufficiency Contract if the client has a skill that can be marketed and can be reasonably expected to provide a wage leading to economic self-sufficiency in the current, area-specific labor market and the client is physically, mentally and emotionally able to utilize those skills through employment.

{Effective }

2-020.07B Subsidized Private and Public Sector Employment: The subsidized employment component is employment in the public or private sector for which the participant is paid wages and the same benefits as a nonsubsidized employee, while the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a participant. Subsidized employment should help the participant gain job skills and experience. The goal of this activity must be to prepare participants for and assist them in securing permanent unsubsidized employment and achieving economic self-sufficiency.

During the subsidized period the employer should provide necessary training, guidance, and direction to the participant. At the end of the subsidy period, the employer should be expected to retain the participant as a regular employer without receiving a subsidy.

{Effective 12/02/2006}

2-020.07C Work Experience: The work experience component is structured unpaid work in any public, private, for-profit, or nonprofit business or organization. The purpose of the work experience activity is to improve the employability of participants who have been assessed as not being job ready and/or cannot find unsubsidized employment by providing an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain unsubsidized employment. The goal of work experience is to prepare participants for and move them into unsubsidized employment or other component activities that can help in this transition. Other component activities may be combined with work experience.

The prior education, training, experience, work history, as well as job skills, vocational interests and goals, and limitations, etc. of a participant must be taken into account in making appropriate work experience placements. A work experience placement must not exceed six months.

The Department must have a written agreement with the work site. Daily supervision is required. The hours of participation in a work experience activity must be detailed in the agreement and the Self-Sufficiency Contract.

{Effective 12/02/2006}

2-020.07C1 Selection Criteria and Placement: The case manager must take into account the participant's vocational interests and goals, job skills, training, education, work history, experience, limitations, etc., so that the participant can be matched to the appropriate work site. The case manager recommends the participant to the work site. Then the potential work site personnel have the option of interviewing the participant.

{Effective 12/02/2006}

2-020.07C2 Scheduling: The case manager is responsible for coordinating with the work site and participant for the number of hours and the days the participant will participate.

{Effective 12/02/2006}

2-020.07C3 Time and Attendance: Participants are required to report to their work site as scheduled, following the business' rules and regulations regarding timeliness, attendance, and absences.

Time and attendance records for participants are maintained by the work site as they are for regular employees. The work site submits a time sheet and progress report to the case manager at the end of each week, see 468-000-307.

{Effective 12/02/2006}

2-020.07C4 Communication with the Work Site: Communication with the work site must be maintained on a regular basis. The case manager shall must request that the work site notify him/her immediately if there is a problem with an individual's participation.

{Effective 12/02/2006}

2-020.07C5 Termination of Assignment: If the work site determines that a participant is unsuitable for the assignment, the work site must inform the case manager immediately. The participant may then be reassigned to another work site. Termination from a work site is not considered nonparticipation unless the participant failed or refused to participate without good cause.

{Effective 12/02/2006}

2-020.07C6 Review of Placement: The effectiveness of the placement must be reviewed regularly. If the assignment is determined to be inappropriate or ineffective, the Self-Sufficiency Contract must be reviewed.

{Effective 12/02/2006}

2-020.07C7 Participant Protection: Work experience and community service participants are insured by the Department against injury on the work site.

{Effective 12/02/2006}

2-020.07C8 Worker Protection: No work experience, on-the-job training, or community service placement may result in the displacement of or infringement of promotional opportunities of any currently employed worker, nor will an assignment be made to fill a position when the employer has reduced its work force with the effect of filling the vacancy with a participant subsidized by the program or when any other individual is on layoff from the same or equivalent job within the same organizational unit.

Regular employees or their representatives may register complaints with the agency that the assignment of an individual violates the previously described provisions. The Department offers the individual a conciliation period of up to 30 days in which to resolve the dispute. The conciliation process includes a face-to-face interview or telephone conference with a Department representative. This process may be initiated by either the Department or the employee.

If the conciliation process does not resolve the issue, the dissatisfied employee may file a request for a formal hearing.

{Effective 12/02/2006}

2-020.07C8a Hearing Process: The Department's hearing portion of the grievance procedure must provide the following:

1. A written notice of the date, time, and place of the hearing;
2. A hearing on the record;
3. An opportunity to present evidence, bring witnesses, and cross examine witnesses;
4. Representation by counsel at the discretion and cost of the employee; and
5. A written decision.

This process must not exceed 90 days from the date of the complaint, by which time the complainant must be provided the written decision by the Department.

{Effective 12/02/2006}

2-020.07C8b Appeal to Administrative Law Judges: The written decision may be appealed by any dissatisfied party within 20 days of the receipt of the Department's written decision. The appeal must be sent to the Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 1111 20th Street NW, Washington, D.C. 20036. The appeal must contain:

1. The full name, address, and telephone number of the appellant;
2. The provisions of the Social Security Act or regulations believed to have been violated;
3. A copy of the original complaint filed with the Department; and
4. A copy of the Department's findings and decision regarding the appellant's complaint.

The appellant must send copies of the appeal and any brief in support of it to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 and to the Assistant Secretary for the Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW, 6th Floor, Washington, D.C. 20447.

The Department must certify and file with the Office of Administrative Law Judges the entire administrative record of the matter under appeal within 30 days of that office's request for it.

The Department must send copies of this record to the Assistant Secretary for Employment and Training and the Assistant Secretary for the Administration for Children and Families. The decision of the Office of Administrative Law Judges is the final decision of the Secretary of Labor on the appeal and must be transmitted to the parties to the appeal, the Department, and the Assistant Secretary for the Administration for Children and Families, Department of Health and Human Services, for appropriate action.

{Effective 12/02/2006}

2-020.07C9 Rights and Benefits: Work experience participants are treated as regular employees of the work site to which they are assigned. The work site provides supervision of clients in accordance with the policies and procedures used for regular employees including orientation, absenteeism, disciplinary actions, and terminations. At the time of assignment the work site personnel policies and procedures relating to these topics should be discussed and/or provided in writing by the work site personnel.

The work site must maintain reasonable work conditions which are not in violation of federal, state, or local health and safety standards.

The work site must not discriminate against any participant because of race, religion, color, sex, physical handicap unrelated to the participant's ability to perform the work, or national origin or ancestry.

{Effective 12/02/2006}

2-020.07D On-the-Job Training (OJT): The basic principles which govern an OJT placement are:

1. An OJT can be developed in the public or private sector;
2. An assessment of the participant must determine that s/he is job ready;
3. The participant is first hired by the employer on a full-time basis;
4. The Department must have a written contract with the employer;
5. Daily supervision is required;
6. S/he is provided training which gives the knowledge or skills essential to the full and adequate performance of that job;

7. S/he is compensated at a rate (plus benefits, as applicable) comparable to that of other employees performing the same or similar jobs. The employer and the sponsoring agency negotiate a contract in which the employer will be reimbursed up to 50 percent of the hourly wage for actual hours worked for a set period of time, not to exceed six months to help offset the cost of training;
8. The wage reimbursement rate and length of the on-the-job training are contingent upon the nature and complexity of the work and how much training is actually required for the individual to be able to perform the job adequately;
9. The OJT may include classroom training, either in the workplace or elsewhere, in job-related basic skills, literacy, ESL, and/or occupational skills training that is required by the employer and would assist the participant to complete his/her assigned duties and/or upgrade his/her job skills. The classroom hours can count towards hours of OJT participation but are not eligible for wage reimbursement; and
10. Upon successful completion of the OJT, the employer will continue to employ the participant as a regular employee.

For treatment of income from an OJT, see 468 NAC 2-016; for protection of current employees, see 468 NAC 2-020.07C8.

{Effective 12/02/2006}

2-020.07E Job Search/Job Readiness: Job search and job readiness assistance means the act of seeking or obtaining employment, preparation to seek or obtain employment, including life skills training, and substance abuse treatment, mental health treatment, or rehabilitation services for those who are otherwise employable. Job search and job readiness are limited to 12 weeks per federal fiscal year. Not more than 4 weeks may be consecutive. The 12-week limit applies to the job search and job readiness components as a whole, not separately. Daily supervision is required.

The Job Search component offers two formats for job search: group job search workshop and independent job search.

{Effective 12/02/2006}

2-020.07F Community Service: The community service component is a structured program in which the participant performs unpaid work under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose. Community service programs must include structured activities that both provide a community service and also improve the employability of the participant. Community service programs are designed to improve the employability of participants not otherwise able to obtain employment.

The prior training, experience, and job skills of a participant must be taken into account, to the extent possible, in making appropriate community service assignments. The Department must have a written agreement with the work site. Daily supervision is required. The hours of participation in a community service program must be detailed in the agreement and the Self-Sufficiency Contract.

For selection criteria and placement, scheduling, time and attendance, communication with the work site, termination of assignment, participant protection, and worker protection, see 468 NAC 2-020.07C1ff.

Short term training or similar activities may be counted as community services as long as such activities are of limited duration and are a necessary or regular part of the community service.

The case manager is responsible for determining the maximum number of hours of community service allowed for the Employment First participant each month. This is determined by adding the family's ADC cash payment amount and their Food Stamp allotment then dividing the total monthly benefit amount by the federal minimum wage. For determining the maximum number of hours for participation in a community service program, see 468-000-308.

{Effective 12/02/2006}

2-020.07G Vocational Training: Vocational training is organized educational programs directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. It may consist of both academic and occupational course work. Basic skills education such as work-focused general education and language instruction may be counted as long as it is time-limited and a necessary or regular part of the vocational training. Vocational training programs should be limited to activities that give participants the knowledge and skills to perform a specific occupation. The completion of vocational training leads to the attainment of a certificate, a diploma, or an Associates degree.

Vocational training is limited to that which is directly related to the fulfillment of an individual's vocational goal. Participation in vocational training cannot exceed 12 months in a lifetime for any individual. Vocational training programs that can be included in the Self-Sufficiency Contract must be for occupations that facilitate economic self-sufficiency. In order for vocational training to be included in the Self-Sufficiency Contract, the participant must demonstrate that the training program will lead to economic self-sufficiency within the individual's time limits. The participant and case manager must have substantiating labor market information.

A vocational training program cannot be included in the Self-Sufficiency Contract if the participant has a skill that can be marketed and can be reasonably expected to provide a wage leading to economic self-sufficiency in the current, area-specific labor market and the participant is physically, mentally and emotionally able to utilize those skills through employment. The case manager may need to assist the participant in this process.

Before vocational training can be approved and included in the Self-Sufficiency Contract, the participant must apply for student financial aid, unless the program is not eligible for student financial aid, or have other financial resources available to pay for the cost of training. If the participant elects to apply for student loans, see 468 NAC 2-016 for treatment in the budget.

If the participant is ineligible for student financial aid because of a default on a student loan, the Self-Sufficiency Contract cannot contain vocational training until the loan is rehabilitated through arrangements made with the lending institution. The case manager may need to assist the participant in this process.

The cost of vocational training may not be paid with program money except under special circumstances.

In order to ensure that participation in vocational training is meaningful and productive, the participant must be in good standing and making good or satisfactory progress in his/her training program using the educational institution's standard. There must be demonstrated progress using a qualitative measure (grade point average) and a quantitative measure (time frame within which the individual is expected to complete his/her training program). The Self-Sufficiency Contract must detail the qualitative and quantitative measures. Daily supervision is required.

{Effective 12/02/2006}

2-020.07H Job Skills Training Directly Related to Employment: This is defined as training and 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 can include customized training to meet an employer's needs or general training that prepares a participant for employment. Literacy instruction or language instruction or barrier-removal activities may be counted when it is explicitly focused on skills needed for employment or combined in a unified whole with job training. Daily supervision is required.

It may include short-term training programs or coursework designed to refresh, upgrade, advance, or renew job-related skills.

The cost of job skills training may not be paid with program money except under special circumstances.

{Effective 12/02/2006}

2-020.07I Education Directly Related to Employment: For an individual who has not received a high school diploma or a certificate of high school equivalency, this is defined as education related to a specific occupation, job, or job offer. This may include Adult Basic Education (ABE) which is basic and remedial education designed to help an individual achieve a basic literacy level (i.e. the equivalent of an eighth grade education), and English as a Second Language (ESL), and other courses designed to provide knowledge and skills for specific occupations or work settings. General Educational Development (GED) can be counted when it is required as a prerequisite for employers or an occupation.

Participants must be in good standing and making good or satisfactory progress using the educational institution's standards. There must be demonstrated progress using a qualitative measure, such as grade point average, and a quantitative measure, such as a time frame within which the individual is expected to complete his/her educational program. The Self-Sufficiency Contract must detail the qualitative and quantitative elements. Daily supervision is required.

For information on minimum hours of participation for minor parents and dependent children, see 468 NAC 2-020.01A3.

{Effective 12/02/2006}

2-020.07J Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence: This is defined as secondary education, whether an academic or vocational track, the completion of which leads to the attainment of a high school diploma (HSD); or General Educational Development (GED), the completion of which leads to the attainment of a State of Nebraska High School Diploma (certificate of general equivalence).

Participants must be in good standing and making good or satisfactory progress using the educational institution's standards. There must be demonstrated progress using a qualitative measure, such as grade point average, and a quantitative measure, such as a time frame within which the individual is expected to complete his/her educational program. The Self-Sufficiency Contract must detail the qualitative and quantitative measures. Daily supervision is required.

If a dependent child drops out of school when s/he reaches the mandatory education age of 16, a Self-Sufficiency Contract must be developed. However, participation in this component cannot be mandated to the dependent child who drops out of school at the age of 16.

For information on minimum hours of participation for minor parents and dependent children, see 468 NAC 2-020.01A3.

{Effective }

2-020.07K Providing Child Care Services to an Individual Who Is Participating in a Community Service Program: An individual who is providing child care services to the children of another EF participant to enable him/her to participate in the community service component activity.

This activity must be effective in helping move the child care provider toward economic self-sufficiency. The activity should be made meaningful through training, certification or mentoring, and work towards certification as a child care provider and be a first step toward the participant's employment in the child care field.

The participant may or may not be paid for services rendered. The individual who is participating in the community service component activity is not required to pay the participant for providing the child care services. The participant should be encouraged to apply to DHHS to be an approved provider and receive payment for their services as an approved child care provider. Daily supervision is required.

For child care provider age requirements, see 392 NAC 5-001.02, 5-001.02A, and 5-001.02B.

{Effective 12/02/2006}

2-020.07L Post-Secondary Education: Post-secondary education is a specific educational program at a college or university. The completion of post-secondary education leads to the attainment of a baccalaureate degree. Post-graduate programs may not be approved in the Self-Sufficiency Contract.

Post-secondary education is limited to that which is directly related to the fulfillment of an individual's occupational goal. Post-secondary education programs that can be included in the Self-Sufficiency Contract must be for occupations that facilitate economic self-sufficiency. In order for post-secondary education to be included in the Self-Sufficiency Contract, the participant must demonstrate that the educational program will lead to economic self-sufficiency within the individual's time limits. The participant and case manager must have substantiating labor market information.

A post-secondary education program cannot be included in the Self-Sufficiency Contract if the participant has a skill that can be marketed and can be reasonably expected to provide a wage leading to economic self-sufficiency in the current, area-specific labor market and the participant is physically, mentally and emotionally able to utilize those skills through employment. The case manager may need to assist the participant in this process

Before post-secondary education can be approved and included in the Self-Sufficiency Contract, the participant must apply for student financial aid or have other financial resources available to pay for the cost of schooling. If the participant elects to apply for student loans, see 468 NAC 2-016 for treatment in the budget.

If the participant is ineligible for student financial aid because of a default on a student loan, the Self-Sufficiency Contract cannot contain post-secondary education until the loan is rehabilitated through arrangements made with the lending institution. The case manager may need to assist the participant in this process.

The cost of post-secondary education may not be paid with program money except under special circumstances.

In order to ensure that participation in post-secondary education is meaningful and productive, the participant must be in good standing and making good or satisfactory progress in his/her educational activity using the educational institution's standard. There must be demonstrated progress using a qualitative measure (grade point average) and a quantitative measure (time frame within which the individual is expected to complete his/her educational program). The Self-Sufficiency Contract must detail the qualitative and quantitative measures. Daily supervision is required.

{Effective 12/02/2006}

2-020.08 Supportive Services: A participant must be provided with allowable and appropriate supportive services to the extent determined necessary by the case manager to enable the individual to participate in any Employment First component as agreed upon in the Self-Sufficiency Contract if no other source is available at no cost to the participant or to the agency. The case manager must prior approve the use of these funds.

Participants who qualify for an exemption are eligible for supportive services if they are required to cooperate in obtaining treatment, counseling, rehabilitative or vocational services identified in a service plan. For information on the service plan, see 468 NAC 2-020.02D.

Applicants for ADC cash assistance are eligible for supportive services only if they are participating in Employment First orientation, assessment, self-sufficiency planning, Self-Sufficiency Contract development, job search, or employment.

For guidelines on supportive services, see 468-000-309.

{Effective 12/02/2006}

2-020.08A Duration of Services: Case management and necessary supportive services may be provided for the duration of the individual's participation in all EF components and, if needed, after the loss of eligibility for ADC cash assistance if the loss of ADC was due to earned income, and if the individual was either cooperating with or participating in EF at the time. For information on extended and transitional supportive services, see 468-000-309.

{Effective 12/02/2006}

2-020.08B Refusal to Accept Supportive Services: A client or participant may refuse supportive services. However, the refusal of supportive services must not then be used as a reason for not cooperating with EF requirements or participating in EF component activities.

{Effective 12/02/2006}

2-020.08C Transportation: The case manager may authorize payment for transportation to enable a participant to participate in any EF component. Bus tokens/tickets, commercial transportation, gasoline vouchers, car repairs, and relocation assistance are some examples of transportation services that can be provided. Public transportation must be used when available.

Transportation services provided by an approved transportation provider are authorized at the rate established by the Department.

Court costs, fines, fees, restitution, and attorney fees must not be paid with EF funds. The cost of reinstating a driver's license, when the loss of the license was due to driving while intoxicated or under the influence of drugs, must not be paid with EF funds.

{Effective 12/02/2006}

2-020.08D Work-Related Expenses: The case manager may authorize vendor payments for expenses incurred in obtaining and beginning work, such as uniforms, special clothing and footwear, tools and equipment required for work, etc.

{Effective 12/02/2006}

2-020.08E Health-Related Services: Employment-related medical, remedial, and health-related care services not covered by Medicaid funds may be authorized.

Health-related care services are authorized at Medicaid rates.

{Effective 12/27/97}

2-020.09 Nonparticipation: Nonparticipation may occur only after a client has signed a Self-Sufficiency Contract. Some examples of failing to participate include, but are not limited to:

1. Not participating in Self-Sufficiency Contract revisions;
2. Not meeting the terms of the Self-Sufficiency Contract;
3. Failing to appear for a job interview or follow up on a job opening when the potential job meets the appropriate work criteria;
4. Failing to keep appointments with the case manager or with another agency providing service to the participant;
5. Voluntarily leaving a component activity before its completion;
6. Failing or refusing to report on his/her job search as required; or
7. Quitting employment or refusing a bona fide offer of employment without good cause.

{Effective 12/02/2006}

2-020.09A Good Cause: The following are some examples of good cause for failing or refusing to participate in EF.

1. The participant's illness or incapacitation;
2. Incarceration or court-required appearance of the participant;
3. A family crisis or change in family circumstances which interfere with participation;
4. Unavailability or a breakdown in transportation or child care arrangements with no readily accessible alternative;
5. Weather conditions which would prohibit the client from participating in the prescribed activity;
6. A wage which results in a net loss of cash income. For explanation of net loss of income, see 468 NAC 2-020.09A1;
7. Hazardous work conditions;
8. The participant's mental or physical inability to do the job; or
9. The presence of domestic violence in the participant's life which interferes with his/her ability to secure child care or transportation; his/her ability to attend school, training, or work; and/or which compromises him/her or his/her children's physical and/or emotional safety..

If the participant terminates employment, see 468 NAC 2-005.01A for good cause provisions.

{Effective 12/02/2006}

2-020.09A1 Net Loss of Income: If employment would result in a net loss of cash income, the participant would have good cause for not accepting that job. S/he may still choose to accept the employment, but is not subject to sanction if s/he does not.

The participant experiences a net loss of income if the income from employment does not equal the ADC cash benefit plus work related expenses minus any unearned income received by the family. Work related expenses are defined as:

1. Mandatory payroll deductions;
2. Transportation, limited to gas and oil and routine maintenance or city bus fare (not paid for by other sources);
3. The portion of child care paid by the participant; and
4. Uniforms not paid for by other sources.

These must be expenses that would not otherwise be incurred.

{Effective 12/02/2006}

~~2-020.09B Action Following Nonparticipation: The case manager must send Form WP-5 to the participant who has failed or refused to participate. The WP-5 process is designed as a conciliation period to give the participant and the case manager the opportunity to resolve the nonparticipation issue. The participant may also request that the conciliation process be initiated.~~

~~The conciliation process may last a maximum of ten days. If it is obvious before the ten days have elapsed that the participant does not intend to participate (i.e., failed to keep conciliation appointment and did not reschedule) and/or the issue cannot be resolved, the case manager may end the conciliation period. Before imposing the first or second sanction, the case manager must present the recommendation to his/her supervisor for review to ensure that the case manager has:~~

1. Reviewed the contracted activities to assure that they are reasonable and appropriate; and that they are consistent with the participant's physical and mental abilities;
2. Discussed the nonparticipation issue with the participant to determine whether there was good cause for his/her failure or refusal to participate;
3. Worked with the participant to assist them in removing any barriers to participation; and
- ~~3.~~ 4. Provided the participant with an opportunity to resolve the proposed sanction through a mediation process, and if the participant is dissatisfied with the results of the mediation, to additionally receive a fair hearing.

This supervisory review may last a maximum of ten days.

The recommendation for imposing the third sanction must be approved by the case manager's supervisor and a second level supervisor, as well.

If the participation issue is resolved or good cause is established, no sanction is imposed. If not, the sanction in 468 NAC 2-020.09B2f ff must be imposed and the case manager sends an adequate and timely notice (see 468 NAC 1-009.03B), notifying the participant of a sanction.

Before the sanction is to be imposed, the case manager must provide the participant with an opportunity to resolve the proposed sanction through a mediation process. If the participant is dissatisfied with the results of the mediation, the participant has the right to appeal. For information on the mediation process, see 468 NAC 2-020.09C1.

{Effective }

2-020.09B1 Sanctions:

1. ADC cash assistance will be reduced \$50 for each dependent child or minor parent in his/her parent's unit who fails to attend school if the student's parent has not taken reasonable steps to encourage the child to remain in school (see 468 NAC 2-020.09B2a).
2. Noncooperation with child support will result in a 25 percent reduction in the ADC cash assistance and removal of the noncooperating individual's needs from the medical unit (see 468 NAC 2-020.09B2b).

3. Noncooperation with obtaining available health insurance will result in the removal of the individual's needs from the medical unit (see 468 NAC 2-020.09B2c).
4. Noncooperation with obtaining third party medical payments will result in the removal of the individual's needs from the ADC cash assistance and medical unit (see 468 NAC 2-020.09B2d).
5. Refusal to apply for potential income will result in the closure of the case (see 468 NAC 2-020.09B2e).
6. If the parent(s) fails to participate in Employment First, the result is the loss of ADC cash assistance for the entire family as well as medical assistance for the adult(s). In a two-parent family, failure to participate by one parent will result in the loss of ADC cash assistance for the entire family and medical assistance for both adults (see 468 NAC 2-020.09B2f).
7. Failure to participate in Employment First by the needy caretaker relative, guardian, or conservator who is not a parent results in the loss of ADC cash assistance and medical assistance for the caretaker only (see 468 NAC 2-020.09B2f).
8. Failure of a dependent child age 16, 17, or 18 to attend school and not participate in any other EF component results in the removal of the child's needs from the ADC cash assistance. The child may be eligible for medical assistance (see 468 NAC 4-000).

{Effective 12/02/2006}

2-020.09B2 Requirements Included in the Self-Sufficiency Contract

2-020.09B2a Noncooperation with School Attendance Requirement: ADC benefits will be reduced \$50 for each dependent child or minor parent in his/her parent's unit who fails to attend school if the student's parent has not taken reasonable steps to encourage the child to remain in school. The client may request mediation on this requirement (see 468 NAC 2-007.05).

{Effective 12/02/2006}

2-020.09B2b Noncooperation with Child Support: Upon receiving notification from ~~the IV-D Unit on Form CSE-10~~ Child Support Enforcement that the client refused to cooperate, the case manager must reduce the ADC cash payment by 25 percent and remove the individual's needs from the medical unit. The parent remains mandatory for Employment First.

If the minor parent is in the unit of his/her parent, the minor's parent is responsible for cooperating in obtaining support for the minor's child. The payee is sanctioned if s/he or the minor does not cooperate. There is no sanction for noncooperation of a relative payee or guardian or conservator payee.

The child(ren) must still meet program and financial requirements to be eligible in cases where the parent has refused to cooperate.

If an emancipated minor parent does not cooperate with child support, the minor parent is sanctioned. If the minor parent is age 18 or younger, the minor is not removed from the medical unit until his/her period of continuous eligibility ends (~~S~~see 468 NAC 2-019.05B1).

{Effective 12/02/2006}

2-020.09B2c Noncooperation in Obtaining Health Insurance: When the Department has determined that an available health plan is cost effective and the client is able to enroll on his/her own behalf but the client refuses to enroll or remain enrolled, s/he is removed from the medical unit but the ADC child(ren) remains eligible. The client cannot request mediation on this requirement (see 468 NAC 4-001.01C).

{Effective 12/02/2006}

2-020.09B2d Noncooperation with Third Party Medical Payments: If the client fails or refuses to cooperate in obtaining third party medical payments and there is no good cause claim or determination, the appropriate sanction is applied.

If the reason for noncooperation is the client's failure or refusal to provide information about or obtain third party medical payments (see 468 NAC 4-002.03), the client is ineligible for ADC and medical assistance. Eligibility of the dependent child(ren) is not affected. Ineligibility continues for the client until s/he cooperates or cooperation is no longer an issue. The client cannot request mediation on this requirement.

{Effective 12/02/2006}

2-020.09B2d(1) Third Party Payments Received Directly: If the client receives a third party medical payment directly and the medical expense for which the third party medical payments is intended is payable by NMAP, the case manager shall take the following actions:

1. Send a demand letter advising the client that s/he must reimburse the Department or the provider. The client is allowed ten days from the date of notification to reimburse the medical payment. For an applicant, the case manager shall not delay determination of eligibility for assistance and authorization for payment pending the applicant's reimbursement. At the time the application is approved, the case manager shall notify the client of the number of days left in which to reimburse the payment;
2. If the client refunds within ten days, take no further action; or
3. If the client fails or refuses to refund within ten days, consider the entire third party payment as unearned income in the first month possible, taking into account adequate and timely notice. Any balance remaining is considered a resource in the following month.

If the insurance payment exceeds NMAP rates, the excess is considered unearned income unless paid out on other medical services or supplies.

Regardless of the existence of a good cause claim, any third party medical payment that is received directly by the client must be reimbursed.

{Effective 12/02/2006}

2-020.09B2d(2) Willfully Withheld Information: When the evidence clearly establishes that a client willfully withheld information regarding a third party medical payment which resulted in an overpayment of NMAP expenditures, the case manager shall refer the case to the Special Investigation Unit, Central Office. Once a case has been referred to the Special Investigation Unit, the case manager shall take no action with regard to the prosecution of the suspected fraud except in accordance with instructions or approval by the Special Investigation Unit. However, the case manager shall complete normal case actions which include applying the appropriate sanction in this section.

{Effective 12/02/2006}

2-020.09B2e Refusal to Apply for Potential Income: If an individual fails or refuses to make application for potential income within 60 days after notification by the case manager or refuses to accept benefits for which s/he has been determined eligible, eligibility cannot be determined. Taking into account the timely notice provision, the case manager must close the case. The children continue to be eligible for medical assistance until the end of their period of continuous eligibility (see 468 NAC 2-009.06).

{Effective 12/02/2006}

2-020.09B2f Failure to Participate in Employment First : If the parent fails or refuses to participate in EF without good cause, all ADC cash assistance for the entire family must be closed as well as the medical assistance for the adult(s).

If the needy caretaker relative, guardian, or conservator who is not a parent fails or refuses to participate in EF without good cause, the result is the loss of ADC cash assistance and medical assistance for the caretaker only.

If a dependent child age 16, 17, or 18 fails to attend school and fails or refuses to participate in any other EF component without good cause, the result is the removal of the child's needs from the ADC cash assistance. The child may be eligible for medical assistance.

{Effective 12/02/2006}

2-020.09B2f(1) Sanction for Mandatory Participant's Failure or Refusal to Participate: A sanction is effective the date of receipt of the notice; however, the ADC cash payment is reduced or the ADC case is closed the first of the month following adequate and timely notice.

{Effective 12/02/2006}

2-020.09B2f(2) Length of Sanction: If the individual who has failed to participate is a parent, the sanctions will be as follows:

1. The first imposition of a sanction will last one month or until the failure to participate ceases, whichever is longer.
2. The second sanction will last for three months or until the failure to participate ceases, whichever is longer, ~~unless the remainder of the 48-month period is less.~~
3. The third and subsequent sanctions must not be imposed without a second-level supervisory review. This sanction will last for a minimum of 12 months or until the failure to participate ceases, whichever is longer, ~~unless the remainder of the 48-month period is less.~~

There is no minimum penalty period for a sanction imposed upon a needy caretaker relative, guardian, conservator, or dependent child. The sanction will be lifted as soon as the failure to participate ceases by fulfilling the participation requirement. For lifting of sanction, see 468 NAC 2-020.09B2f(3).

If the parent becomes eligible for an exemption at any time during the sanction period, the exemption will be granted, the sanction will be lifted, and the ADC cash payment and adult medical assistance will resume effective the first day of the month during which the parent becomes eligible for the exemption.

If the needy caretaker relative, guardian, conservator, or dependent child becomes eligible for an exemption, the exemption will be granted, the sanction will be lifted, and his/her needs added back into the ADC and medical units effective the first day of the month during which s/he becomes eligible for the exemption.

The time period while a sanction is imposed is not included in the ~~24-month~~ 60-month lifetime limit. ~~but is included in the 48-month period.~~
{Effective }

2-020.09B2f(3) Lifting of Sanction: The participant must engage in the component activity(ies) included in his/her Self-Sufficiency Contract or in another activity mutually agreed upon for a ~~period~~ minimum of five consecutive work days, in order to demonstrate his/her willingness to participate. The participant may receive supportive services while engaging in the required activity(ies). If the individual successfully participates in the activity, the ADC cash payment and medical assistance for the adult(s) will resume effective the first day of the month during which the individual successfully participates. If the individual does not complete the five days of activity, his/her request is no longer valid.

Once a sanction is imposed, ADC cash assistance and medical assistance for the adult(s) cannot be reinstated unless the participant becomes eligible for an exemption or exhausts the minimum penalty period prescribed for that sequence of sanction and fulfills the participation requirement, ~~unless the 48-month period ends first.~~

{Effective }

2-020.09B2f(4) Participation Notice: The case manager must notify a participant whose minimum sanction has been served of the participant's option to end the sanction by demonstrating a willingness to participate in EF.

{Effective 12/02/2006}

2-020.09B2f(5) Action Following a Volunteer's Failure or Refusal to Participate: When a volunteer fails or refuses to participate in the activities agreed upon in the Self-Sufficiency Contract, his/her status should be examined. If the volunteer would actually be a mandatory participant when the failure to participate occurred, the sanction should be imposed as indicated in 468 NAC 2-020.09B.

If the individual still qualifies as a volunteer, there is no monetary sanction if s/he fails or refuses to participate in EF. However, a volunteer is restricted from participation until the failure to participate ceases.

The volunteer is considered to be participating once s/he engages in the component activity to which s/he previously agreed in the Self-Sufficiency Contract or in another activity mutually agreed upon for a ~~period of at least~~ minimum of five consecutive work days in order to demonstrate his/her willingness to participate. The voluntary participant may receive supportive services while engaging in the assigned activity. If the voluntary participant does not complete the five days of activity, his/her request to volunteer is no longer valid.

{Effective 12/02/2006}

2-020.09B3 Noncooperation with Quality Control: If a client fails to cooperate with state or federal quality control, the whole unit is ineligible for one month only. The case manager closes the case the first month possible, considering adequate and timely notice. The following month the case is reopened, if the unit is otherwise eligible. If at anytime QC notifies the case manager that the client has cooperated, assistance is restored effective the first day of the month during which the parent cooperates. Cooperation with QC is not included in the Self-Sufficiency Contract.

Note: Children remain eligible for medical assistance because of continuous eligibility.

{Effective 12/02/2006}

2-020.09C Right to Appeal: Employment First participants have the right to mediation and/or appeal:

1. The determination by the Department that the individual has not complied with EF requirements or with terms of the Self-Sufficiency Contract; or
2. The participant's contention that the Department has not complied with the terms of the Self-Sufficiency Contract.

The ADC grant cash assistance and medical assistance and EF supportive services must not be reduced or terminated pending mediation or the hearing if the individual requests mediation or a fair hearing within ten days (see 468 NAC 1-009.03F).

{Effective 12/02/2006}

2-020.09C1 Mediation Process

2-020.09C1a As a Result of a Notice of Adverse Action: The individual must request mediation within 90 days following the date the notice of adverse action is mailed.

Mediation may be requested in writing. The individual may request mediation services by calling or writing the local office or the mediation center that serves the county in which the client resides.

The Department may also request mediation.

If the individual submits a request for mediation within ten days following the date the notice is mailed, the case manager must not take the adverse action until a decision is reached through mediation.

{Effective 12/02/2006}

2-020.09C1b Not as a Result of a Notice of Adverse Action: If the individual is unhappy with a case manager's action or inaction, the individual may request a conference with the case manager's supervisor. If the individual continues to disagree with the supervisor's conclusion, s/he has 30 days in which to request mediation.

If the individual does not choose to confer with the supervisor, the individual has 30 days from the date of the case manager's action or inaction or the date the individual became aware of the case manager's action or inaction to request mediation.

{Effective 12/02/2006}

2-020.09C1c Conclusion of Mediation: When the mediation has concluded, the mediator notifies the individual and the case manager in writing. If the individual is dissatisfied with the result of mediation, s/he has five days from the date of notification from the mediator to request a fair hearing for an issue that may be appealed. For issues that may be appealed, see Title 465.

{Effective 12/02/2006}

2-020.10 Time Limits

~~2-020.10A Non-Time Limited Assistance: Non-time limited assistance is intended for families for whom self-sufficiency is not possible because of the mental, emotional, or physical conditions of the adult(s) or minor parent(s) who is included in the ADC unit, and for families where the only adult(s) or minor parent(s) in the recipient family does not have parental responsibility and assistance is requested for the child/children only. These families are not subject to the time limits but are subject to other ADC provisions, i.e., cooperation with child support, TPL, school attendance requirement, cooperation in obtaining health insurance, and application for potential income.~~

~~——{Effective 12/02/2006}~~

~~2-020.10B Time Limited Assistance: Time limited assistance is intended for ADC cases where the adult or minor parent is able to work or participate in other EF component activities. The ADC case may become non-time limited if the adult or minor parent becomes disabled or otherwise unable to work or participate in other EF component activities and qualifies for an exemption (see 468 NAC 2-020.02).~~

~~{Effective 12/02/2006}~~

~~2-020.10B4~~ A Time Limit for ADC Cash Assistance: ADC recipient families that include an adult or minor parent who meets the definition of a work-eligible individual are subject to the time limit, unless otherwise exempt. For the definition of a work-eligible individual, see 468 NAC 2-020.01.

~~Families subject to the time limit may receive an ADC cash payment for which they are eligible for a total of 24 60 months in a lifetime, within a continuous 48-month period. The 48-month period 60-month lifetime limit begins with the first month the family is determined to be eligible for and receives ADC cash assistance. The 24-month time limit begins the first of the month following the month in which the Self-Sufficiency Contract is signed.~~

~~A parent or needy caretaker relative, guardian or conservator of a child age 12 weeks to 6 months is not subject to the 24-month time limit until the child is 6 months of age.~~

~~There is a 60-month time limit for those who receive assistance as an adult. This limit applies to federal benefits only.~~

{Effective }

~~2-020.10B1a Time Limit for a Minor Parent: A parent age 18 or younger is non-time limited if s/he is maintaining full-time attendance at an elementary or secondary school or the equivalent level of vocational or technical school or is actively working on a GED full time. A minor parent becomes time limited if s/he:~~

- ~~1. Drops out of school or ceases working on a GED;~~
- ~~2. Completes secondary school or the equivalent level of vocational or technical school or a GED; or~~
- ~~3. Reaches the age of 19.~~

~~Once a minor parent becomes time limited, the Self-Sufficiency Contract must be renegotiated.~~

~~If a minor parent drops out of school or quits working on a GED for a period of time and then re-enrolls or resumes actively working on his/her GED, the Self-Sufficiency Contract must be renegotiated and the minor parent is once more non-time limited. Months that the minor parent was out of school or not actively working on his/her GED count toward the 24-month time limit when the minor parent becomes subject to the time limit.~~

~~In the case of a two-parent household where one parent is age 18 or younger without a high school diploma or GED and the second parent is: (1) also age 18 or younger, but has a high school diploma or GED; or (2) age 19 or older without regard to the educational level, the family will be placed in the time-limited group.~~

{Effective 12/02/2006}

2-020.10B1bA1 Situations Where the ADC Cash Assistance Is Not Limited to 24 60 Months: The ADC cash assistance is not limited to 24 60 months if:

1. The case manager establishes that there is no job available to the participant where the unearned income and the net earned income (earned income after deduction of 20 percent earned income disregard and child care disregard, if appropriate) would exceed the ADC payment level.
Exception: This does not apply where the participant has voluntarily quit or failed to accept a job offer without good cause or has been sanctioned for failure to comply with the job-related requirements of the Self-Sufficiency Contract;
2. Without ADC cash assistance the family would not have sufficient funds to avoid extreme hardship;
3. The adult(s) or minor parent(s) is no longer able to meet the conditions of the Self-Sufficiency Contract; ~~or~~
4. The Department has failed to meet the terms of the Self-Sufficiency Contract; ~~or~~
5. The case manager has determined that the family is incapable of achieving total economic self-sufficiency because of the mental or physical conditions, or intellectual limitations of the adult(s) or minor parent(s).

These conditions apply at any time ~~during the 48-month period, including cases~~ where a participant has used up his/her 24 60 months of time-limited ADC cash assistance, found a job, and then lost it through no fault of his/her own.

{Effective }

2-020.10B1bA1a Extreme Hardship: A family is considered to be suffering from extreme hardship if they do not have adequate cash resources to meet the costs of the basic needs of food, clothing, and housing without assistance or the child or children are at risk of losing care by and residence with their parent(s) or usual caretaker.

A family is considered to have inadequate cash resources if their unearned income and net earned income (earned income after deduction of 20 percent earned income disregard and child care disregard, if appropriate) is insufficient to meet their current payment level.

{Effective 12/02/2006}

2-024 Eligibility for Transitional Assistance:

2-024.01 Transitional Grant: An ADC case may receive ~~a one month transitional grant equal to half of the previous month's grant if up to five transitional grants, each grant being equal to 1/5 of the ADC Payment Standard for the family's size at the time the family becomes ineligible for an ADC grant payment if:~~

1. The unit lost eligibility for a grant because of increased earnings or increased hours of employment of the parent or needy caretaker relative or guardian or conservator;
Note: The parent or needy caretaker relative or guardian or conservator must be in the household.
2. The unit meets the requirements to qualify for Transitional Medical Assistance (see 468 NAC 2-024.02).
2. ~~3.~~ The unit received a grant for which they were eligible in three of the last six months preceding ineligibility must have lost eligibility for an ADC grant in the month immediately preceding the first month of eligibility for the transitional grant. (A month in which the unit was eligible but did not receive a grant because of the \$10 minimum qualifies as a month of grant.)
Note: ~~A month of transitional grant does not count as one of the three.~~
3. ~~The parent or needy caretaker relative or guardian or conservator is employed.~~
4. In order to continue to receive transitional grants for the full five-month period, the family must meet the following requirements:
 - a. The family's earned income cannot exceed 185 percent of the federal poverty level for the family's size;
 - b. The parent or needy caretaker relative or guardian or conservator must be employed;
 - c. The family continues to reside in the State of Nebraska;
 - d. The family must continue to include a dependent child (see 468 NAC 4-003);
 - e. The family must remain ineligible to receive an ADC grant.

Before terminating eligibility for further transitional grants due to one of the reasons listed above, timely and adequate notice of adverse action must be sent.

There is no limit to the number of times a case may receive ~~a transitional grants~~ as long as the unit ~~meets the requirements in 468 NAC 2-024~~ family meets the requirements each time they lose eligibility for an ADC grant due to earnings.

{Effective }

2-024.02 Transitional Medical Assistance: An ADC case may receive up to 12 months of transitional medical assistance without a share of cost if:

1. The case has earned income which results in ineligibility for a grant (or in conjunction with other factors results in ineligibility for a grant);
2. The unit received a grant (or did not receive a grant but met income and resource eligibility to receive a grant) in three of the last six months preceding ineligibility. At least the last month of assistance must have been received from Nebraska; and
3. The parent or needy caretaker relative or guardian or conservator is employed.

See 468 NAC 4-001.01A2 for regulations on TMA.

TMA begins with the month of ineligibility for an ADC grant. If the worker determines that the unit was ineligible for a grant, TMA is determined to have begun with the first month in which ADC/MA was erroneously paid. See 468 NAC 3-008.07 ff. for recoupment procedures.

Note: The TMA unit may be subject to a premium beginning with Month 7.

{Effective 10/15/2002}

2-024.02A Eligibility for TMA Following an Absent Parent's Return or the Client's Marriage: If the client marries or an absent parent returns, the new spouse or returning parent is added to the unit. The unit with the new spouse or returning parent may receive TMA.

{Effective 10/7/98}

2-024.03 Transitional Child Care (TCC): Transitional child care must be provided for 24 consecutive months if:

1. The family loses eligibility for a grant as a result of increased earnings or increased hours of employment;
2. The family received a grant for which they were eligible in three of the last six months preceding ineligibility. At least the last ADC payment must have been received from Nebraska. (A month in which the unit was eligible but did not receive a grant because of the \$10 minimum qualifies as a month of grant.);
3. The family provides the financial information necessary to determine eligibility and the amount of the fee;
4. The child care is necessary to allow the parent to accept or retain employment; and
5. The family's gross earned and unearned income is equal to or less than 185 percent of the Federal Poverty Level.

The 24 months begin with the first month for which the family is ineligible for a grant. The family may begin to receive child care in any month during the 24-month eligibility period.

~~A~~The month of the first transitional grant is the first month of TCC. The transitional grants ~~is~~ are disregarded as income.

{Effective }

CHAPTER 3-000 DETERMINATION OF ADC/MA BENEFITS: ADC/MA assistance consists of money payments to the ADC/MA payee and/or payments made directly to the provider for medical care and services. The amount of the assistance payment to the ADC/MA payee is determined by completing the following steps:

1. Total gross countable earned income;
2. Subtract 20 percent of earned income;
3. Subtract child care paid out-of-pocket;
4. Subtract the remaining earned income from the appropriate Standard of Need (see 468 NAC 2-009.01A);
5. Compare the result of step 4 to the appropriate payment standard;
6. Show the lower of the payment standard or the difference from step 4;
7. Subtract unearned income from the amount shown in step 6;
8. The result of step 7 is the amount of the grant.

Provider payments for medical requirements are determined according to the standards and regulations established for the Nebraska Medical Assistance Program (see Title 471).

{Effective 12/27/97}

3-001 ~~Effective Date of Payment~~ Prorated Payment: When an application for assistance is approved, the first month's payment begins with ~~the first day of the month~~ date of application, if all eligibility factors are met. Prorated payment amounts are calculated by N-FOCUS. If eligibility occurs after the date of application, payment ~~begins with the first day of the month in which the client was eligible~~ is prorated from the date eligibility begins. For administrative efficiency, a standard 30-day month is used in determining prorated payments. For date of medical eligibility, see 468 NAC 4-004.

Prorated payments apply to the first month a payment is issued or an individual is added to an existing unit.

If the only dependent child is a qualified unborn, grant eligibility begins with the third trimester of pregnancy.

{Effective }

3-001.01 Individual Added to the Unit: When an individual is added to a unit that is already receiving a grant, the payment of the new individual begins with ~~the first day of the month~~ date the addition to the unit was requested if all eligibility factors are met. For date of medical eligibility, see 468 NAC 4-004. If adding the income of the added individual makes the entire unit ineligible for a grant, medical eligibility is determined for the entire unit.

Note: Even if a woman has verification that she is expecting twins or a multiple birth, the unit may be increased by only one unborn.

{Effective }

3-001.02 Individual Removed from the Unit: When an individual leaves an ADC/MA unit, s/he is not considered prospectively in determining the unit size. If there is not time to recalculate and give timely notice, the worker ~~shall~~ must remove the individual the next month. If the client reported timely, there is no overpayment for the month that the individual left; if there is not time to remove the individual the following month because of the timely notice provision, there is no overpayment for that month, either.

3-001.03 Client Receiving Other TANF Assistance: A client is ineligible to receive an ADC/TANF grant in the same month from two entities, i.e., a state ~~or~~ and a tribe.
{Effective 6/18/2001}

3-001.03A Client Moving From Another State: An applicant may have received assistance from another state in the same month that s/he applies in Nebraska. If the applicant received a grant for a partial month from a state that divides monthly issuance into two or more grants, the grant from the other state is considered income in determining the first month's eligibility. Payment begins with the first day of the month of application if all eligibility factors are met.

3-001.03B Client Receiving Tribal TANF Assistance: An applicant is ineligible to receive an ADC grant in the same month s/he received a TANF-funded grant from a Native American Tribe.
{Effective 6/18/2001}

3-002 Rounded Down Payment: When the grant amount is not a whole dollar figure, the computer rounds down the grant to the next lower whole dollar amount. A case that would be eligible for a grant of less than \$1 (which would be rounded down to 0) is still considered a grant case. The unit would still receive medical assistance. See 468 NAC 3-003 for payments of \$9.99 or less. The worker lists the rounded down figure on the Notice of Action sent to the client.

3-003 Minimum Payment: An ADC cash payment is not issued if the amount would be less than \$10 before any adjustment is made. A unit that is denied an ADC cash payment solely because of the \$10 minimum payment is still considered an ADC cash assistance case. The unit continues to be eligible for other forms of assistance such as medical assistance and social services. The unit is not subject to Employment First requirements and is non-time limited. The adult(s) or minor parent head-of-household included in the ADC unit may choose to volunteer to participate in Employment First (see 468 NAC 2-020.03 and 2-020.09B2f(5)). The worker must send a Notice of Action notifying the client that s/he will not receive a payment because of the minimum payment provision. An ADC cash payment is issued if an individual is added to an existing unit and the combined unit (the original unit plus the added individual) is eligible for an ADC cash payment of \$10 or more.

3-004 Family Members Included in ADC Grant: The following individuals are considered in determining the grant unit and appropriate standard of need:

1. Children age 17 and younger, beginning with the first day of the month of the mother's third trimester of pregnancy ~~unless the child is ineligible to be added because of the family cap (see 468 NAC 2-007.01);~~
2. Children age 18 who are full-time students regularly attending a secondary school or the equivalent level of vocational or technical training (this does not include college) (see 468 NAC 2-007 ff. and 2-020 ff.);
3. Parent(s), including both parents in a two-parent family; or

3-006 Standard Filing Unit: The parent does not have a choice of whom s/he wants to include in the grant unit. All parents and dependent children must be included in the grant unit, except -

:

1. An unborn child during the first two trimesters of the mother's pregnancy;
2. ~~A child who is ineligible to be added to the unit because of the family cap provision and the excluded child's parent if the parents are unmarried and living together;~~
3. 2. Recipients of SSI or AABD/MA;
4. 3. Sanctioned individuals;
5. 4. Undocumented aliens;
6. 5. An alleged father when the parents are unmarried and paternity has not been established;
7. 6. A parent and his/her child when unmarried parents are living together, have a child in common, and the household does not qualify for a grant as a single unit. (See 468 NAC 2-006.07A1 for eligibility of the other family members, see 468-000-305 for examples of the standard filing unit); and
8. 7. Department wards, children of Department wards (for exceptions see 468 NAC 3-005.02B2), and children who are receiving an adoption or guardianship subsidy.

All siblings who meet the definition of a dependent child must be included in the unit. The income and resources of all unit members, sanctioned or undocumented alien parents, and sanctioned 16 or 17-year-olds are used in determining eligibility. See 468 NAC 2-007.01 ff. for determination of the unit for a minor parent.

{Effective }

3-008.07A Underpayments: All underpayments must be corrected. In no case may one month's corrected payment exceed the maximum payment which can be made for any one month. If the unit is already receiving the maximum payment, the worker may correct an underpayment with a retroactive payment. Retroactive payments are not considered income or a resource in the month paid or in the following month. If underpayments have not been corrected when a case is closed, corrective payments must be made if the payee is eligible for assistance at a later date.

3-008.07B Overpayments: The agency must take all reasonable steps necessary to promptly correct all overpayments regardless of cause. The worker must record in the case record all steps taken to recoup any overpayments.

The worker must first send a demand letter, giving the client the choice of reimbursing all or part of the overpayment or having future assistance reduced. If the client reimburses part of the overpayment, the remainder must be recouped by grant reduction. The worker must allow the client ten days to respond to the demand letter. If the client requests recoupment within the last ten days, the worker must take necessary action at that time. If the client does not respond within ten days, the worker must begin recoupment procedures in the first month possible, taking into account adequate and timely notice.

If the client chooses to repay but fails to do so, the worker must immediately take necessary action to recoup the overpayment.

If a case with an overpayment is closed or becomes MA only or MA with SOC, the agency must collect an overpayment of \$35 or more if the client becomes eligible for a grant at a future date. The worker must send a demand letter advising the client that s/he is still liable for the overpayment.

A grant that is not issued because of the \$10 minimum is not applied to an overpayment.

{Effective }

3-008.07B1 Identification of an Overpayment: There are ~~three~~ two types of overpayments:

1. Agency/Administrative errors: Worker errors caused by inaccurate computation or the worker's failure to take action;
2. Client errors: Errors caused because the client supplies inaccurate or incomplete information or fails to provide information resulting in an overpayment; ~~and~~ .
3. ~~Technical errors: Errors caused by the worker's failure to inform the client that s/he must apply for a Social Security number with the Social Security Administration or participate in Employment First. Only these omissions are identified as technical errors.~~

~~Overpayments caused by client errors must be recouped. Overpayments caused by administrative or technical error are not recouped. (However, future payments must be corrected.)~~

All overpayments, regardless of cause, must be recouped (if there is an active ADC grant case) or recovery must be attempted (from a closed ADC case) if the outstanding overpayment amount is \$35 or more.

{Effective }

3-008.07B2 Recoupment Calculation: The following calculation is used to determine the amount of the allowable grant reduction for one month:

1. ~~Take the total anticipated income for the payment month including —~~
 - a. ~~Gross countable earnings. For a small business or self-employed individual, use the figure after operating expenses have been deducted. For a parent who is in the home but not in the unit, use gross income minus the 20 percent disregard.
Note: When computing earned income, use actual income; do not use conversion charts.~~
 - b. ~~Unearned income (including child/spousal support returned by the Department, but not assigned child/spousal support);~~
2. ~~Add all liquid resources for the payment month (see 468 NAC 2-008.07A);~~
3. ~~Add the budgetary need for the payment month before the reduction due to overpayment; and~~
4. ~~From the result in step 3, subtract 90 percent of the payment maximum for the payment month (see 468 NAC 3-008.07B5);~~
5. ~~If the figure in step 4 is —~~
 - a. ~~Larger than the result from step 3, do not recoup for that month; or~~
 - b. ~~Smaller than the result in step 3, this figure is the maximum that may be recouped for the month. (The worker may recoup less)~~

When an overpayment is determined to be due to client or agency/administrative error, the ADC grant is reduced by ten percent of the family's payment standard based on the family size.

When the overpayment is determined to have occurred due to an Intentional Program Violation or due to fraud as determined by a court of law, the ADC grant is reduced by 20 percent of the family's payment standard based on the family size.

In cases where child/spousal support is assigned, the payment must not be reduced below \$10.

{Effective }

4-001.01B Individuals Ineligible for Assistance Grant But Eligible for MA:
Eligibility for the following individuals is determined using eligibility requirements listed in 468 NAC 4-001.01. The worker ~~shall~~ must assess eligibility for these individuals.

1. Individuals who have resources in excess of resource limits for an ADC grant;
2. Individuals who have income in excess of budgetary standards for an ADC grant;
3. Essential children, as defined by SSI, or medical assistance only recipients;
4. Children sanctioned for failure or refusal to cooperate with Employment First;
5. Unborns beginning with the date of the pregnancy verification (the date of request or the date that the pregnancy is known to the agency), through the end of the second trimester; and
- ~~6. Children subject to the family cap (see 468 NAC 2-007.01); and~~
7. 6. An individual who is ineligible for a grant because of a drug related felony committed after August 22, 1996.

{Effective }

4-001.01B1 (Reserved)

6-008.02K Medical Payments: Medical payments may be made to alleviate current needs of a family who are in a crisis situation because of a catastrophic illness. The illness must require hospitalization (see 468 NAC 6-003). Any member of the family may have the illness. Medical services related to the illness (such as physician's fees and ambulance charges) are included. Funeral expenses are not covered.

Before authorizing EA, the worker ~~shall~~ must determine that the family is not eligible for categorical medical assistance.

6-008.02L Emergency Telephone Installation: Payment may be made for emergency telephone installation when a phone is necessary because of medical needs.

6-009 General Eligibility Requirements: EA may be provided to a needy child and any other member of the household in which the child is living only if - :

1. The child is age 18 or younger (a pregnant woman with no other children may be eligible);
2. The child is currently living with one or both parents, or, within six months before the month in which assistance is required, was living with a specified relative or a legally appointed guardian or conservator in a place of residence maintained as their own home (see 468 NAC 6-003 for the definition of a specified relative);
3. The household is without income and resources immediately accessible to meet the needs that are caused by the emergency situation;
4. The child meets requirements of citizenship or permanent resident alien status (see 468 NAC 2-002);
5. The household meets relevant income eligibility requirements, as set forth in 468 NAC 6-009.01;
6. The destitution or need did not arise because the child (if age 16 or older and not in school) or the relative responsible for support and care refused without good cause to accept employment or training for employment or quit a job without good cause. However, if the child or family member refused without good cause to accept employment or training for employment or quit a job without good cause, but the emergency was not caused by this action, the family is still eligible for EA.

Note: EA is not limited to families eligible for or receiving ADC.

{Effective 12/27/97}

6-009.01 Income Eligibility Requirements: The family's gross monthly income must not exceed 185 percent of the ADC ~~standard~~ payment maximum for the family size (see chart at 468-000-~~334~~207).

The client's statement of available income is accepted without further verification unless a prudent person would question the information.

6-010 General EA Payment Provisions: Payment for all approved EA is made by warrant directly to the provider or to the designated member of the family when appropriate. Payment may be made for all or a portion of the bills related to the family's crisis.

If insurance or third party liability is involved, every effort must be made to resolve issues of liability before EA payment is made. If it is impossible to resolve liability issues within 60 days from the EA application date, EA payment may be made but the insurance company must be notified of the Department's right of subrogation.

With the exception of catastrophic illness payments, total payments for the benefit period of 12 months of EA must not exceed one month's ADC payment maximum for the applicant's family size (see ~~chart at 468-000-334~~207).

All payments for medical care must be made at rates no higher than those paid by the Nebraska Medical Assistance Program.

6-011 Case Records: A separate case record or identifiable documents/documentation within the case record must be maintained for each EA case. The record must contain all the prescribed forms and documentation (~~see 468-000-334~~).

Case records on EA cases are required to be maintained for four years and are subject to state and federal audit.

6-012 Appeal Process: Every applicant for or recipient of EA has a right to appeal to the Director of the Nebraska Department of Health and Human Services for a hearing on any action or inaction of any Department employee or official in regard to the EA Program. The appeal must be filed in writing within 90 days of the action or inaction. It is the responsibility of both the local office and the Central Office to inform the client of his/her right to appeal to the Director for the purpose of having the Director review any action or inaction.

6-012.01 Expedited Appeal: All EA hearings must be handled quickly. The following time limits govern an expedited appeal:

1. The appeal must be conducted within -
 - a. Ten days of receipt of a Notice of Appeal from the Omaha or Lincoln Offices; or
 - b. Twenty days of receipt of a Notice of Appeal from all other local offices; and
2. A determination must be made on the appeal within seven days of the hearing date.