

TEXAS WORKFORCE COMMISSION LETTER

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Keyword:	FSE&T
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **New Food Stamp Exemption Policy for Adults Caring for Children Under Six Years of Age**

PURPOSE:

This WD Letter provides Local Workforce Development Boards (Boards) with information and guidance on:

- the Texas Health and Human Services Commission's (HHSC) new food stamp exemption policy for parents caring for children under six years of age; and
- the impact of HHSC's new policy on Food Stamp Employment and Training (FSE&T) services.

BACKGROUND:

On February 22, 2008, HHSC issued Texas Works Bulletin 08-13, which includes guidance on a clarification made by the U.S. Department of Agriculture Food and Nutrition Service that more than one adult in a food stamp household may receive an exemption from participation in FSE&T if each of those adults is responsible for the care of a child under age six.

PROCEDURES:

Because HHSC's new exemption policy may affect the provision of services to food stamp recipients participating in FSE&T, it is recommended that Boards review page six of HHSC's Texas Works Bulletin 08-13 located at http://www.dads.state.tx.us/Handbooks/texasworks_bulletins/02-22-08.pdf.

LF

In particular, Boards must be aware of the following examples, contained in Texas Works Bulletin 08-13, which describe how HHSC's Texas Works Advisors are to apply the exemption policy for food stamp households with two children under six years of age. Corresponding FSE&T scenarios and the procedures that fall under Board purview follow each HHSC example.

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HHSC Example 1

The food stamp household consists of John and Jill Jones and their two children, Joe age two, and Joy age four. John may claim an exemption for caring for one child and Jill may claim an exemption for caring for the other child.

FSE&T Scenario 1

At the time the new exemption policy went into effect, John was a mandatory work registrant participating in FSE&T services and Jill was exempt because she was caring for two children under age six. John has now informed Texas Workforce Center staff that he is caring for one of the two children.

Board Requirements under FSE&T Scenario 1

Boards must ensure that Texas Workforce Center staff:

- complete Form 1817, Food Stamp E&T Information Transmittal, and request that HHSC reconsider John’s work registration status;
- enter the reconsideration into The Workforce Information System of Texas (TWIST); and
- close all services, support services, and the TWIST *FSE&T Program Detail*.

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Because HHSC staff is responsible for determining the work registration and exemption status of all food stamp recipients, Boards must ensure that Texas Workforce Center staff do not attempt to determine whether a claim to care for a child under age six is legitimate, but only follow the steps outlined above.

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In scenario 1, if HHSC determines that John does not meet the new exemption criteria, John—who is still considered a mandatory work registrant—will appear in the TWIST FSE&T outreach pool 61 days from the date the *FSE&T Program Detail* is closed.

Additionally, Boards must be aware that under FSE&T scenario 1, John is not required to participate in any other FSE&T services once the reconsideration is requested. However, John may volunteer to continue participation in FSE&T services if he chooses to do so, and as funding permits.

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If the reconsideration request is not processed in time to prevent an exempt food stamp recipient from reappearing in the FSE&T Outreach Pool as a mandatory work registrant, Boards may contact the local HHSC office by phone or e-mail to obtain the individual’s work registration status before requiring that individual to resume FSE&T participation.

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If the local HHSC office determines that there was a delay in processing the request, but indicates that the work code will be changed from mandatory to exempt, Boards must ensure that the individual is not required to resume participation in FSE&T.

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HHSC Example 2

The food stamp household consists of John and Jill Jones, their two children Joe age two and Joy age four, and Jill's sister Sally Smith, 19 years of age, who helps care for the children on a daily basis. Since all three adults are responsible for the care of the two children under age six, any two of them may claim the exemption, but not all three.

In Sally's case, the following HHSC actions may apply:

- HHSC determines that Sally is an Able-Bodied Adult Without Dependents (ABAWD);
- Sally may receive an exemption from FSE&T participation because she is caring for at least one of two children under six; and
- Sally may receive an exemption (exception) from the three out of 36-month ABAWD time limit because she is part of a food stamp household with a child under 18 years of age.

FSE&T Scenario 2

Sally Smith is an ABAWD who recently moved in with the Joneses, is part of their food stamp household, and helps care for their children on a daily basis. Sally was participating in FSE&T at the time she moved in with the Joneses, and informed Texas Workforce Center staff of the move. Sally also informed Texas Workforce Center staff that she is now responsible for the care of her sister's child, Joy, age four.

Board Requirements under FSE&T Scenario 2

Boards must ensure that Texas Workforce Center staff:

- complete Form 1817, Food Stamp E&T Information Transmittal, and request that HHSC reconsider Sally's work registration status;
- enter the reconsideration into TWIST; and
- close out all services, support services, and the *FSE&T Program Detail*.

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Additionally, Boards must be aware that under FSE&T scenario 2, Sally is not required to participate in any other FSE&T services once the reconsideration is requested. However, Sally may volunteer to continue participation in FSE&T services if she chooses to do so, and as funding permits.

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Boards must be aware that there may be instances other than the two examples above in which a food stamp recipient may claim the new exemption. Boards must ensure that the procedures set forth in these examples are followed for all cases in which a customer claims the new exemption.

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INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

None

REFERENCE:

United States Department of Agriculture, Food and Nutrition Service Rules and Regulations,
7 C.F. R. §273.7(b)(iv)
Attachment 2 to WD Letter 18-05 Change 1, issued November 12, 2007, and entitled “New Food
Stamp Employment and Training Rules Effective March 29, 2005—*Update*”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”