

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,
POLICIES, PROCEDURES, AND OTHER MATERIALS
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at www.sec.state.ri.us/ProposedRules/ or on the Department of Human Services website at www.dhs.ri.gov, or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

SCOPE OF CHANGE

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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SUMMARY OF CHANGE

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~~0810~~ ~~WORK PROGRAM PROCEDURES~~

~~0810.05~~ ~~ASSESSMENT~~

~~REV:10/2006~~

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~~The assessment of family circumstances and employability for applicants and recipients is conducted by Family Independence Program caseworkers.~~

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~~At the beginning of the assessment process, the Information on the Family Violence Option (Form WVR 1a) is again given along with a brief summary of its contents in case the individual cannot read. Every recipient must be informed that s/he may be excused from certain FIP requirements under the Family Violence Option if meeting these requirements puts the recipient or her or his children at risk of domestic violence and that s/he may claim the Family Violence Option at any time. The procedures to be followed after an applicant claims this option or discloses abuse are specified in Section 0814.10.~~

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~~The assessment process begins with the Family Independence caseworker using the Family Needs Assessment, FIP-200FN, and the Education and Employment Assessment, FIP-200EH, to collect information about the participant's past educational, training, and employment history as well as the health of the participant and her/his family. These and other factors provide a client profile which the agency representative~~

~~evaluates and from which s/he can estimate the employment potential of the individual.~~

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~~This collection of data is appraised to identify the individual's strengths in relation to the individual's readiness for employment. The purpose of the appraisal is to gauge the overall likelihood of the completion and success in a given component/activity and achievement of what specific employment goal is realistically possible in the shortest possible time given the overall family circumstances.~~

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~~0810.05.05~~ ~~Assessment Requirements~~

~~REV:10/2006~~

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~~The assessment interview must cover all areas relating to the applicant's and the entire family's circumstances, including, but not limited to the following:~~

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~~* ~~Housing needs;~~~~

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~~* ~~Utility payments;~~~~

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~~* ~~Food security and nutrition;~~~~

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~~* ~~Physical and emotional health (including special issues affecting the well being of the family such as an incapacity of a family member, substance abuse and domestic violence);~~~~

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~~* ~~Child issues;~~~~

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~~* ~~Education history;~~~~

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~~* ~~Employment history;~~~~

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~~* ~~Level of crisis; and~~~~

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~~* ~~Academic testing.~~~~

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~~Specific assessment information needed includes the individual's ability to speak English, and if not, the individual's primary language, marital status, military veteran status, employment status, last grade of school completed, as well as each family member's school attended, as appropriate, current health problems, names of educational facilities attended by the participant: program/course titles and completion dates, names and addresses of the participant's previous employers, job titles, and hire and end dates.~~

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~~The FIP caseworker must also assess the financial conditions of the family and develop a financial plan. See Section 0810.10 pertaining to the financial plan.~~

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~~As appropriate, the FIP case worker discusses the various special requirements for minor parents and pregnant minors, and for all adolescent parents who do not have their high school diploma or its equivalent and who are not attending school, the requirement for~~

~~participation in an educational program leading to such diploma, as well as other Family Independence requirements. The initial assessment interview of pregnant minors and minor teen parents is conducted by the appropriate Adolescent Collaborative. The Family Independence Program Information for Teen Parents sheet which summarizes these requirements is reviewed with and given to the recipient, as appropriate, during the assessment process.~~

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~~For all adult parents, the FIP social caseworker informs them of the work activity requirements as well as the sixty (60) month lifetime limit on the receipt of FIP cash assistance. The FIP social case worker reviews the Family Independence Program information by outlining the sequence of the eligibility process and other compliance matters, activity requirements, the participant's as well as the Department's responsibilities, and the consequences if the individual fails to comply with program requirements.~~

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~~The Employment Plan is developed from the data gathered during assessment; the plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest time frame that is practicable.~~

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0810.05.10 — Assessment Recording

REV:10/2006

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~~The agency representative enters the assessment information gathered on the FIP 200 EH and into the panels of the ASMT (Assessment) function of INRHODES. The first four ASMT panels comprise Level I Assessment. The ASMT function is used for both applicants and recipients; it should be periodically updated by appropriate agency representatives after Intake to record new assessment information.~~

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~~During the assessment, the FIP case worker annotates in the Level I Assessment Participant Profile screen whether the individual speaks English, and if not, the person's primary language. The Family Independence caseworker also determines and annotates the marital status of the participant, whether or not s/he is a military veteran, current employment status, and the last grade of school completed.~~

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~~After the FIP case worker reviews with the individual her/his family circumstances, including the needs of the individual's child(ren); the case worker enters for each family member, as appropriate, the school attended, as appropriate, and any current health problems.~~

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~~The Level I Assessment Family Composition screen reproduces certain household member information from the participant's IV-A STAT (Statement of Need) in INRHODES. When an applicant is not known to INRHODES, there is no corresponding STAT, i.e., no member information to display; the next Assessment panel displayed is the participant Level I Assessment Education History screen. The Family Independence program worker must wait to enter information in the Family Composition panel until after the STAT is entered; however, s/he should record the appropriate information in the CNAR (Case Narrative) in the TOOL function of INRHODES.~~

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~~In the Level I Assessment Education History screen, all educational facilities attended by the participant, program/course titles, and completion dates are entered; similarly, the worker lists in the Level I Assessment Employment History panel the names and addresses of the participant's previous employers, job titles, and hire and end dates.~~

~~A summary of the assessment interview with the participant and any appropriate information must be entered in the Case Narrative (CNAR).~~

~~A full assessment includes three (3) categories: Family Needs Assessment, Education and Employment Assessment and Academic and Vocational Testing.~~

~~A full assessment is completed for all Family Independence Program applicants and as appropriate, recipients. Certain individuals must undergo academic and vocational testing when required for specific activities (e.g., Skills Training and Post secondary Education).~~

~~After the test results have been returned, the agency representative conducts an in depth interview with the individual in which the results are discussed and evaluated in light of her/his previous education, training, and employment history. The focus of the interview is to gauge the overall likelihood of the completion and success in a given component/activity and whether achievement of the employment goal is realistically possible. The testing information is recorded in the Level II Assessment panel, i.e., the fifth panel of the ASMT function of INRHODES, and the results are filed in the case record. A summary of each contact with the participant and any appropriate information is recorded in the CNAR (Case Narrative) in the TOOL function of INRHODES.~~

0810.10 FINANCIAL PLAN

REV:05/1997

~~The financial plan shall identify all available sources of income and all benefits and services available to the family from state government, local government, from the federal government, and from social service agencies. Sources of income may include: earnings from employment, including self employment, the earned income tax credit, advance payment of the earned income tax credit, social security, unemployment compensation, temporary disability insurance, supplemental security income assistance, and payment of support obligations by nonecustodial parents.~~

~~Benefits may include: food stamps, school lunch, housing assistance, home heating assistance, as well as cash assistance under the Family Independence program.~~

~~The plan shall upon the family's request include an annual and monthly cash family budget detailing expenditures (required and possible in the view of these available resources) for food, clothing, shelter, utilities, work expenses (including child care and transportation), health care, personal care, and household supplies.~~

~~0810.15 — EMPLOYMENT PLAN AS CONDITION OF ELIGIBILITY~~

~~REV:10/2006~~

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~~As a condition of eligibility for FIP cash assistance, the applicant/recipient, unless otherwise exempt from the work participation requirements as defined in 0812.05.05, 0812.05.10 and 0812.05.25, must complete, sign and participate in a FIP Employment Plan.~~

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~~With the information gathered during the assessment interview along with the results of the educational testing the FIP Employment Plan is jointly developed by the applicant and the FIP social caseworker.~~

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~~Information provided on the C1(b) Form is also reviewed. If there are any medical limitations to participation in employment indicated, those limitations are considered in selecting the goals and activities that will be listed in the Employment Plan.~~

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~~The medical limitations may limit or exempt the applicant from employment activities.~~

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~~The plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest practicable timeframe.~~

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~~The Employment Plan must take into consideration the physical capacity, skills, education, including the results of the test measuring educational competencies, work experience, health and safety and family responsibilities, and place of residence of the individual; local employment opportunities; child care and supportive services required by and available to the applicant to avail himself or herself of employment opportunities and/or work readiness programs. The plan shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practical, with the individual's career objectives.~~

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~~In their discussion, the caseworker and applicant identify barriers to employment; strategies and dates for resolving them are devised. If medical or other specific information is sought, a release of information Form, DHS 25 or DHS 25M, is signed by the parent authorizing the agency to obtain that information.~~

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~~The FIP social caseworker describes the programs and activities available to the parent. This information is obtained from current reports and publications from the Department of Labor and Training and other sources pertaining to training and employment.~~

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~~The parent is also provided with information regarding the availability of supportive services that may include childcare assistance and/or transportation assistance; the worker assists the family in obtaining those services needed to participate and authorizes them when appropriate and necessary.~~

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~~The specific employment goal of the employment plan should be one that is feasible; the goal must be attainable in the shortest time period consistent with the parent's skills and interests as well as the months~~

~~remaining in the parent's sixty (60) month lifetime time limit. Information about the available program resources must be discussed along with the parent's supportive service(s) needs, local employment opportunities, and to the maximum extent possible, the preferences of the parent.~~

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~~All parents must be informed of their opportunity to attend education and/or training within the first twenty four months of their employment plan as well as the option of combining twenty (20) hours of work with ten (10) hours of education/training after the twenty fourth (24th) month. It is very important that this be understood by applicants as they make decisions about the nature of the activity that they will engage in and that they are made aware of the sixty (60) month time constraint of receipt of FIP, including what time counts toward the sixty (60) months. Applicants must also understand that beginning in the 25th month of their Employment Plan their approvable work activities will be limited to paid employment including on the job training, a community work experience, a Department approved training program conducted at a job site and a supervised job search not to exceed four consecutive weeks or a total of six weeks in a twelve month period.~~

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~~The worker records a summary of each contact or interview in the CNAR (Case Narrative) section of the TOOL function of INRHODES; if employer or component provider contacts are made telephonically, the dates and appropriate information obtained are recorded in the on-line Narrative as documentation.~~

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~~Discrepancies in case information discovered during interviews and contacts must be immediately forwarded to appropriate eligibility staff via the Information Transfer (D206) selection in the TOOL function of INRHODES.~~

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~~After the completion of the Employment Plan the social caseworker enters and maintains the employment activity schedule (EASC) in INRHODES. It contains the details of each work/training activity, the beginning and anticipated end dates of each program/activity, and the scheduled days and hours of attendance, and authorization of supportive services.~~

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~~When the employment plan activity is a component activity with a specific time limited program, the parent must obtain and provide written verification of acceptance into the program, as well as a program schedule before the employment activity schedule is finalized.~~

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~~In order for an employment activity to be approved, the total scheduled hours of the component(s) must be in accordance with requirements as described in 1004.25.05.15 or participation on a full time basis (as defined by the institution) in an educational component activity as outlined in Sections 0812.05.05.~~

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~~The FIP social caseworker lists in the employment activity schedule (EASC) the supportive services determined necessary for participation and which are to be authorized.~~

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~~The parent is advised of her/his responsibility to report within ten (10) days of any change in the family's circumstances as outlined in~~

~~Section 0808.30. The family must also report immediately (within five (5) days) when a child leaves the household for any reason. Whenever an employment plan contains an education or training component, the worker must explain to the parent the attendance requirements and the concept of "successful participation". Attendance of all the scheduled hours is required. Successful participation in an education or training activity means that the parent is meeting a consistent standard of progress toward the completion of the education or training activity. This standard must include a qualitative measure of progress such as a grade point average and a quantitative measure such as a reasonable time limit for completion of an education or training program. (See Section 0812.25.05)~~

~~The completed employment activity schedule must be approved by the agency representative before any supportive services can be authorized. When a FIP caseworker denies an individual's employment activity, a notice specifying the reasons for the denial must be issued. The notice must also include information regarding conciliation and the parent's appeal rights.~~