

Federal law limits how many hours of unpaid work can be part of a participant's employment plan.

Minimum wage laws affect how many hours someone can do unpaid work under the federal Fair Labor Standards Act.

- The MFIP benefit is treated as though it were earned income.
- The MFIP benefit is divided by the minimum wage to determine the maximum hours of unpaid work that can be required in a month.

Instructions on how to figure out the maximum number of hours of unpaid work someone can do:

1. Every month check through MAXIS Inquiry the total amount of MFIP benefits a household is receiving in a month. Include the:
 - MFIP cash portion.
 - The food portion.
 - The housing assistance grant.
2. Divide that by the federal or state minimum wage, whichever is higher.
3. Always round down the result to the nearest whole number. That number is the maximum number of hours in that month that the participant can do unpaid work as part of the MFIP employment plan.
4. If the participant's MFIP benefits change, re-do the calculation for the number of hours allowed in unpaid work.

If the participant is a part of a 2-parent family:

- Do the same calculation with the MFIP benefits and the minimum wage.
- If both parents are doing unpaid work, their combined hours cannot exceed the maximum number of hours identified in the minimum wage calculation.

If the participant does NOT work the maximum hours allowed under Fair Labor Standards:

- The participant will only receive credit for actual hours.
- The participant may include other activities to meet their minimum hourly requirements. Those other activities are not subject to the Fair Labor Standard Act.

How Maximum Hours Apply to Work Participation Rate Hourly Requirements

Participants working the maximum number of hours allowed under Fair Labor Standards will be credited as completing 87 hours of a counted core activity in the Work Participation Rate – even though the actual numbers fall short of 87. This is called “deeming” the hours.

For participants with children younger than 6.	This will meet all their hourly requirements.
For participants with no children younger than 6.	<ul style="list-style-type: none"> • The employment plan must contain other activities to meet their 130 hours a month requirement. • The additional hours between the 87 deemed hours and the 130 required hours can be in core or non-core activities. • Those other activities are not subject to the Fair Labor Standards Act.

How the Work Participation Rate Treats the Maximum Allowed Hours

Participant's Required Monthly Hours	Maximum Number of Monthly Hours Allowed Per FLSA Calculation	Will the Participant Meet the Work Participation Rate Requirements?	What Else Needs to Occur?
87 hours	Less than 87	Yes	Nothing The Work Participation Rate will treat the participant as though he/she met the 87 hours a month requirement.

			This is called "deeming" the hours.
130 hours	Less than 87	Only partially	<ul style="list-style-type: none"> Track the actual hours of unpaid work that the participant did as opposed to the maximum number of hours allowed under the FLSA calculation. The participant will be deemed the 87 hours.

Here is an example, if the participant is working the maximum of 82 hours of unpaid work allowed under this formula, the following scenarios apply:

If MFIP Household is:	How many Unpaid work hours meet the FLSA requirement?	How does the Work Participation rate treat those hours?	How many hours are required in other activities for the Work Participation Rate?
1 parent with a child under 6 years old.	82 hours per month.	As though the participant has met the 87 hour requirement.	No other activities required.
1 parent with the child 6 years or older.	82 hours per month.	As though the participant has done 87 hours of work activity.	43 additional hours in core or non-core activities, to meet the 130 hours per month requirement.
2 parent households with a pregnant woman.	The combined hours of both parents cannot be more than 82 hours per month.	N/A.	Additional activities will need to be added to meet their 55 hours a week participation requirements.

If the participant wants to work more hours than the Fair Labor Standards allow, those additional hours:

- Cannot be part of the employment plan.
- Do not count towards the participant's minimum hourly requirements.
- Cannot be supported by child care assistance.
- Should not be in the participant's activity log or time sheet.
 - If the participant's time sheet includes the hours, identify the hours that are voluntary additional time and record a case note to explain that they are voluntary and are not being counted.